

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS, ROBERT WILLIAM
ALLEN, JOHN MCNEE, AELICA I. ORSI,
MARSHALL WAYNE SUTTERFIELD,
SHIRLEY FAYE FIELDS, MARNETTE
WENDI PENNINGTON, MARY J.
MCNAMER, and MYRA H. TACKETT,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, and
SHARON BROOKS, BILENDA
HARRIS-RITTER, WILLIAM LUTHER,
CHARLES ROBERTS, JAMES SHARP,
and J. HARMON SMITH, in their official
capacities as members of the Arkansas State
Board of Election Commissioners,

Defendants.

Case No. 5:20-cv-05174-PKH

ORAL ARGUMENT REQUESTED

**PLAINTIFFS' MEMORANDUM OF LAW
IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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PRELIMINARY STATEMENT

Defendants' practice of rejecting absentee ballot submissions because of immaterial errors, minor omissions, or signatures that are deemed not to compare without providing voters with notice and an opportunity to cure violates Plaintiffs' constitutional and statutory rights. Defendants' motion for summary judgment on these claims fails because it relies on disputed material facts and mistaken legal arguments, several of which this Court already rejected.

Defendants seek to evade review altogether by challenging Plaintiffs' standing. They argue that the individual Plaintiffs' claims are no longer susceptible to redress because the election in which their ballots were rejected is over. Under Defendants' theory, the failure to provide notice and opportunity to cure could never be challenged, because voters will always be unaware of Defendants' unlawful conduct until it is too late to cure. The probability of recurrence without an opportunity to remedy provides the basis for standing.

Defendants rest their argument as to the League of Women Voters of Arkansas's ("LWVAR") standing on the organization's failure to quantify in monetary terms the injury caused by Defendants. Yet, as LWVAR's former president testified at her deposition and via the declaration submitted in opposition to this motion, LWVAR has spent and continues to expend considerable resources—including valuable volunteer time—to ensure that voters are made aware to guard against the arbitrary disqualification of their absentee ballots. By working closely with its county chapters, with other civic and social organizations and churches, and with individual voters, LWVAR expended considerable time and energy addressing the issue.

On the merits of Plaintiffs' claims, Defendants again argue—contrary to this Court's prior rulings—that the *Anderson-Burdick* framework does not apply to Plaintiffs' constitutional claims. Defendants further ignore that the rejection of an absentee ballot without notice and an

opportunity to cure constitutes a serious, if not severe, burden on the right to vote. Defendants' attempt to obtain dismissal with assertions of the burden on them, fraud prevention, and election integrity, all of which are expressly contradicted by the record evidence, and are in any event, based on disputed facts. And on the merits of the Materiality Provision claim, Defendants again argue—contrary to this Court's prior ruling—that the Materiality Provision does not create a private right of action, an argument that is not only wrong, but also irrelevant, because Plaintiffs have pleaded the claim under 42 U.S.C. § 1983, which also provides the remedy when there is clear, rights-creating language in the statute. Finally, Defendants argue that the Materiality Provision is confined to claims of racial discrimination, which is false given the statute's plain language and legislative history.

For these reasons, and as set forth below, Defendants' motion should be denied.

STATEMENT OF FACTS

A. Arkansas Election Procedure Imposes Significant and Detailed Requirements on Absentee Voters.

An Arkansas voter who is eligible to vote absentee may request an absentee ballot by filling out an absentee ballot application form. Pls.' SOF ¶ 2. The form must include the voter's address, date of birth, signature attesting to the correctness of the information provided on the form, and a sworn statement that the voter is registered to vote and is the person who seeks to vote by absentee ballot. Pls.' SOF ¶ 3. Upon receiving the application, the county clerk compares the information to the information in the voter registration records. "If the signatures on the absentee ballot application and the voter registration record are not similar" or the clerk is not able to "verify that the application has been properly signed, then the county clerk may not provide the voter with an absentee ballot." Pls.' SOF ¶¶ 4-5. If a clerk rejects an absentee ballot application at the application phase, the clerk must promptly notify the voter of the error so that

they can resubmit their request for an absentee ballot by first-class mail and by the “most efficient means available, including . . . by telephone or email.” Pls.’ SOF ¶ 6. If an application is approved, the county clerk sends the voter an absentee ballot, instructions, a secrecy envelope with the words “Ballot Only” printed on the outside, a sealable return envelope with the words “Ballot Only” printed on the outside, a sealable return envelope containing the address of the county clerk, and a voter statement. Pls.’ SOF ¶ 8.

The voter statement sent to the absentee ballot voter includes a sworn statement that the voter is registered to vote and is the one registered, as well as blank spaces for the voter to provide his or her name, signature, address, and date of birth. Pls.’ SOF ¶ 10. After signing the voter statement under penalty of perjury, the voter must place his or her marked ballot in the ballot envelope, and then place the ballot envelope in the return envelope along with the executed voter statement and verification of voter registration. Pls.’ SOF ¶¶ 10-11. Election officials are allowed to open the outer absentee ballot envelope for processing and canvassing as early as the Tuesday before Election Day. Pls.’ SOF ¶ 12.

During canvassing, the voter’s information and signature are compared for a second time. Ark. Code Ann. § 7-5-416(b)(1)(F)(i) directs election officials to “compare the name, address, date of birth, and signature of the voter’s absentee application with the voter’s statement[.]” If one of the two election officials finds that the voter’s information does not compare, the voter is not notified—even though this non-comparison or error is identified as early as a week before Election Day. *See* Pls.’ SOF ¶¶ 12, 17. Instead, the election official re-seals the absentee ballot envelope and sets it aside to be reviewed by the three-member county board of elections commissioners that will later conduct a majority vote to accept or reject the ballot. Ark. Code Ann. § 7-5-416(b)(1)(F)(ii). Voters may also have their ballots rejected for forgetting to sign the

voter statement. Pls.' SOF ¶ 9.

An absentee ballot may also be rejected if a voter fails to provide required voter identification when their ballot is submitted. In that case, their vote is treated as a provisional ballot. The voter is notified of the fact and given a chance to cure the omission by noon on the Monday following the election by submitting a sworn verification of identity affirmation via a copy of a document or identification card. Pls.' SOF ¶ 28. At a date after the results of the election are finalized, the county election officials are required to notify the absentee voter if their vote did not count. Ark. Code Ann. § 7-5-902. Unlike the process to apply for an absentee ballot, the voter is not given an opportunity to cure their error or omission. There is currently no remedy for an absentee voter who was found to have a mismatch or omission in their voter information—they simply will not have their vote counted. Pls.' SOF ¶¶ 18, 21-22.

B. Absentee Ballots are Disqualified Based on Minor Errors or Omissions Without Notice or an Opportunity to Cure.

The Individual Plaintiffs met the qualifications to vote by absentee ballot, were found to be qualified voters in the state of Arkansas, were sent absentee ballots, filled out an absentee ballot, returned the absentee ballot, and still did not have their votes counted.

Plaintiff Mary Joy McNamer is 82 years old. When Ms. McNamer completed her application for an absentee ballot for the 2020 General Election, she wrote her zip code correctly once and incorrectly once on the form. Despite this, Ms. McNamer was mailed an absentee ballot by the Pulaski County Clerk, filled out her ballot, and returned it. She filled out her voter statement correctly, but because of the mistake in a zip code on the approved absentee ballot application, her vote did not count in the November 2020 General Election. *See* Pls.' SOF ¶¶ 36-38. Ms. McNamer was not notified, nor given an opportunity to cure this mistake.

Plaintiff Marnette Wendi Pennington is 74 years old. Due to a small error on Mrs.

Pennington's voter statement, her vote was not counted for the 2020 General Election: she had mistakenly left off her street address from her voter statement, although she did include her city and zip code. Pls.' SOF ¶¶ 40-42. She only learned of the fact after the election when a representative from LWVAR reached out to her.

Plaintiff Shirley Faye Fields is 70 years old. Her ballot in the 2020 General Election was disqualified because she mistakenly omitted her signature on box 6 of the voter statement, even though she included her signature in box 5 of the "Optional Verification of Identity Affirmation," and because she did not include a voter identification document. Pls.' SOF ¶¶ 30-33. While Arkansas law provides notice and an opportunity to cure omission of voter identification documents, Ms. Fields did not receive that opportunity because of the signature issue. As one Commissioner testified, in those circumstances, a Commissioner may not consider a misplaced signature. Pls.' SOF ¶ 34.

C. Absentee Ballots Are Disqualified Based on Signatures That Do Not Compare Without Notice and Opportunity to Cure.

Plaintiff John Robert McNee is a 73 year old attorney. Mr. McNee is a military veteran. Pls.' SOF ¶ 44. Mr. McNee has a heart pacemaker, a prosthetic heart valve, and a tremor. Pls.' SOF ¶ 45. Due to Mr. McNee's age and tremor, his hand is unsteady shortly after he begins signing his name, which results in significant variations in his signature, a condition he fears will get worse over time. Pls.' SOF ¶¶ 46-48. Although Mr. McNee believes his absentee ballot was accepted in the November 2020 General Election, he fears that his future absentee ballots will be rejected due to signature mismatch caused by his medical conditions. Pls.' SOF ¶ 49.

McNee's fears are well-founded because there is no standard approach to reviewing signatures. Since election officials are not handwriting experts, they "will make erroneous signature-comparison determinations. Pls.' SOF ¶ 57. Proper signature comparison process

requires far more examples and time than the two documents and few minutes provided to county election officials. Pls.’ SOF ¶ 57. “Arkansas election officials . . . have a significantly higher rate of error in determining whether signatures are genuine” and are more likely to incorrectly “determine that authentic signatures are not genuine than to make the opposite error.” Pls.’ SOF ¶ 57. Moreover, older voters and those with medical conditions are prone to have variations in their signature from one document to another, and generally have a hard time signing their name. Pls.’ SOF ¶¶ 46, 56; *see* Adam Tr. at 39:20–42:2, 49:20–50:3. Election officials compare signatures differently as evidenced by testimony of Jefferson County Board of Elections Commissioner Chair and Washington County Board of Elections Commissioner Chair’s consideration of the same signature. *See* Pls.’ SOF ¶ 59.

ARGUMENT

The Court should deny Defendants’ Motion because Defendants fail to establish that “there is no genuine dispute as to any material fact” and that Defendants are “entitled to judgment as a matter of law.” *See* Fed. R. Civ. P. 56(a). Defendants “bear[] the burden of establishing a lack of genuine issue of fact.” *Brunsting v. Lutsen Mountains Corp.*, 601 F.3d 813, 820 (8th Cir. 2010) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)). “[T]he evidence of the nonmovant is to be believed, and all justifiable inferences are to be drawn in his favor.” *Tolan v. Cotton*, 572 U.S. 650, 651 (2014) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)) (quotations omitted). Even where there is no genuine issue as to any material fact, summary judgment is improper unless one party must prevail as a matter of law. *Anderson*, 477 U.S. at 251-52 (inquiry is whether “one party must prevail as a matter of law.”).

I. Plaintiffs Have Article III Standing.

Article III standing requires that a plaintiff suffer concrete and particularized injury traceable to defendant that can be redressed by favorable decision. *See Friends of the Earth, Inc.*

v. Laidlaw Env'tl. Servs., Inc., 528 U.S. 167, 180-81 (2000). Plaintiffs satisfy each of these requirements.

A. The Individual Plaintiffs Have Standing.

To satisfy the “injury” requirement on summary judgment, Plaintiffs need only make a “factual showing of perceptible harm.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 566 (1992). In a voting rights case, harm can exist even where “the franchise [is not] wholly denied.” *See Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1352 (11th Cir. 2005).

It is undisputed that Plaintiffs Fields, McNamer, and Pennington had their absentee ballots disqualified. Such disqualification is more than sufficient evidence of an Article III injury. *See Charles H. Wesley Educ. Found., Inc.*, 408 F.3d 1349 at 1352. Defendants are wrong to argue that any harm is speculative, Defs.’ Mot. Summ. J. Br., ECF No. 109 (“Defs.’ Br.”), at 10-11, because in addition to having suffered past harm, Plaintiffs also fear ballot rejection in the future. Plaintiffs’ realistic fears of future rejection enhance their standing, not weaken it. Indeed, courts addressing similar claims have found that plaintiffs who are at risk of having their ballots rejected because of “the kinds of mechanical, typographical mistakes,” have standing to pursue future injury precisely because that injury is “capable of repetition yet evading review.” *See Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1343 (11th Cir. 2014); *Fla. State Conf. of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1163–64 (11th Cir. 2008); *Sandusky Cty. Democratic Party v. Blackwell*, 387 F.3d 565, 574 (6th Cir. 2004) (inevitability of mistakes in administration of election law meant that plaintiffs’ claims were “real and imminent”).

Plaintiff McNee also has standing. He suffers from tremors that prevent him from writing his signature consistently, and has a well-founded fear that he will cast an absentee ballot that will be disqualified pursuant to Section 7-5-416(b)(1)(F)(ii). *See* Pls.’ SOF ¶¶ 46, 49. He reasonably anticipates that the tremor will worsen, with corresponding adverse effects on his

ability to write. Pls.’ SOF ¶ 48. The review of signatures by individuals without expertise and in limited time further increases the risk of disqualification, *see* Pls.’ SOF ¶ 57, and further substantiates McNee’s fears.

Contrary to Defendants’ contentions, Plaintiffs are aware of no case law that requires a plaintiff to have had this or her ballot previously disqualified as a prerequisite to pursue such claims in the future.¹ To the contrary, courts have acknowledged that standing to challenge election laws does not require the plaintiff to have previously been disenfranchised because “mistakes cannot be specifically identified in advance.” *See Sandusky Cnty. Dem. Party*, 387 F.3d at 574.

B. LWVAR Has Organizational Standing.

Organizations can satisfy the Article III standing requirement when there is a concrete and demonstrable injury to an organization's activities which drains its resources and is more than simply a setback to its abstract social interests, and is fairly traceable to the defendants’ conduct. *Nat’l Fed’n of the Blind of Mo. v. Cross*, 184 F.3d 973, 979 (8th Cir. 1999) (citing *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)). The “deflection of an organization’s monetary and human resources” away from its core activities “is itself sufficient to constitute an actual injury.” *Ark. ACORN Fair Hous. v. Greystone Dev.*, 160 F.3d 433, 434

¹ Defendants also argue that, should standing exist, it must be limited to address and signature comparisons because no plaintiff’s ballot was disqualified due to name or date of births not matching. Defs.’ Br at 10. They rely, however, on inapposite precedent. *See Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 2379 n. 6 (2020) (dealing with whether intervenor need show independent standing when party invoking court’s jurisdiction had already established standing on same claim); *Nolles v. State Comm. for Reorg. of Sch. Districts*, 524 F.3d 892, 900 (8th Cir. 2008) (injury was merely a “generalized grievance shared in common by all the voters in Nebraska.”). Here, individual Plaintiffs’ claims are based on the rejection of ballots for the omission of immaterial information, of which their specific past injuries are examples, and substantiate the capability of recurrence. That the rejections were based on omission of address and not date of birth or name is a distinction without a difference, as it is undisputed that the challenged law requires rejections on all bases. Additionally, the organizational Plaintiff has standing to assert the claims in any event, as explained *infra*.

(8th Cir. 1998). And this does not require a “seismic shift” of resources or a “material impediment.” *Common Cause Ind. v. Lawson*, 937 F.3d 944, 954-955 (7th Cir. 2019); *see also Ark. United v. Thurston*, No. 5:20-CV-5193, 2022 WL 4097988 *10 (W.D. Ark. Sept. 7, 2022) (appeal pending) (a perceptible impairment of organization’s activities sufficient to show injury in fact); *Nnebe v. Daus*, 644 F.3d 147, 157 (2d Cir. 2011) (holding union had standing “[e]ven if only a few suspended drivers are counseled by NYTWA in a year, [because] there is some perceptible opportunity cost expended by the Alliance, because the expenditure of resources that could be spent on other activities ‘constitutes far more than simply a setback to [NYTWA’s] abstract social interests.’”) (internal citations omitted).

Defendants’ challenge to LWVAR’s standing is based on its not engaging in “statewide outreach” and not providing documentation or metrics of the diversion of resources. Defs.’ Br. at 9. But, LWVAR has provided ample sworn testimony – both by deposition and declaration – of the nature and extent of its diversion of resources caused by the challenged conduct. Specifically, while LWVAR itself does not engage in “statewide outreach” to voters on a systematic basis, its member county chapters do. *See* Pls.’ SOF ¶¶ 67. And LWVAR expends considerable time and effort in working with the county chapters to ensure that they provide comprehensive and accurate information to voters, and posting educational material regarding absentee ballot rejections on social media. *See* Pls.’ SOF ¶¶ 67-69, 71-72. LWVAR also meets with civic and social organizations and churches to this same end, and engages in communications with individual voters on the issues of compliance with absentee ballot requirements. *See* Pls.’ SOF ¶ __. That LWVAR cannot put a number on these efforts follows from the very nature of the organization. Its leadership team, which undertakes these efforts, is fully volunteer, and its primary resource is time. *See* Pls.’ SOF ¶ __. These efforts consume a

significant amount of time of LWVAR's volunteer leadership, which they would otherwise devote to LWVAR's activities concerning other issues. *See* Pls.' SOF ¶ __. There is, at a minimum, a genuine dispute on a triable issue of fact as to whether this diversion of resources constitutes a concrete injury for the purposes of Article III standing.

C. Plaintiffs' Redressable Injuries Are Traceable to Defendants' Conduct.

This Court has already twice held that Defendants are proper parties to this suit because they have authority over the voter statement/absentee ballot comparison process through the mandatory training they provide to the county officials. *See* Order Den. Prelim. Inj., ECF No. 34 ("PI Order") at 5 (Plaintiffs' alleged injuries are "fairly traceable to Defendants" based on responsibility to provide guidance to county election officials), Order Den. Mot. To Dismiss, ECF No. 54 ("MTD Order"), at 3 ("Defendants are parties connected to the challenged statutes" because they promulgate binding rules, investigate violations of election law, and exercise enforcement authority). These holdings are supported by county election officials' testimony that they look to and rely on Defendants' training and guidance when comparing information in voter statements to absentee ballot applications and determining whether to disqualify an absentee ballot. Pls.' SOF ¶ 53.² Although Defendants have not introduced any facts suggesting that they do not exercise significant authority over county election officials and despite indicating in their own Statement of Facts that they have such authority, *see* Defs.' SOF ¶¶ 20-23, they again argue against standing on the basis that county election officials are responsible for comparing voter statements and absentee ballot applications. Defs.' Br. at 7-8. That argument fails for the same reasons it failed twice before.

With regard to Defendants' argument that their authority is circumscribed by state law

² Defendants' reliance on *Jacobson v. Florida Secretary of State* is misplaced. The claim there concerned an issue over which the Florida Secretary of State had no control: the ballot placement of candidates. *See* 974 F.3d 1236, 1253-54 (11th Cir. 2020).

under *Arkansas SBEC v. Pulaski County Election Commission*, 437 S.W. 3d 80 (Ark. 2014), such that Plaintiffs' claims are not redressable, this Court already explained that "Defendants' authority under state law is not a barrier to compliance with their obligations under federal law," and that if federal law requires notice and cure for absentee voters concerning comparison issues, Defendants have the authority to provide the necessary training and guidance to county election officials. *See* MTD Order, at 2; PI Order, at 5. Defendants have not introduced any facts contradicting this conclusion, and there is an extensive record evidencing their ability to oversee the establishment of a notice and cure process. Pls.' SOF ¶¶ 50-51.

For the same reason, and as this Court has also previously held, Defendants are not entitled to sovereign immunity. *See* MTD Order, at 3-4. Defendants' argument is simply that they are not the proper defendants under *Ex parte Young* because it is county officials who compare absentee applications to voter statements and because Defendants do not have authority to establish notice and cure procedures. *See* Defs.' Br. at 6-7. This argument again ignores this Court's prior rulings that, should it find the existing procedures unconstitutional, the SBEC would have the authority to bring the rules into compliance with federal law.

II. Defendants Are Not Entitled To Summary Judgment on Plaintiffs' Constitutional Claim.

The evidence raises an issue of fact as to whether "the Arkansas absentee ballot process results in the sort of arbitrary denial of the right to vote" that constitutes a serious, if not severe, burden under the *Anderson-Burdick* test. MTD Order, at 7. Under this test, courts must weigh "the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate" against "the precise interests put forward by the State as justifications for the burden imposed by its rule," taking into consideration "the extent to which those interests make it necessary to burden the plaintiff's

rights.” *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)). The greater the burden on the voter, the more stringent the burden is on the State to justify its rules, ranging from rational basis to strict scrutiny. *Id.*

At least one other Circuit Court has already held that disenfranchising a voter based on a mismatched signature without the opportunity to cure seriously burdened the right to vote. In *Democratic Executive Committee of Florida. v. Lee*, the Eleventh Circuit had “no trouble finding that Florida’s scheme imposes at least a serious burden on the right to vote” where “the deadline to cure a rejected ballot came before the deadline for the supervisor to receive the ballot in the first place” and officials were only required to “check for signature match before noon on the day after the election,” thus denying voters a meaningful opportunity to cure. 915 F.3d 1312, 1320 (11th Cir. 2019); *see also Frederick v. Lawson*, 481 F. Supp. 3d 774, 798 (S.D. Ind. 2020) (failure to provide notice and cure imposed a “significant burden” on the right to vote in signature mismatch case). And “even if election officials uniformly and expertly judged signatures, rightful ballots still would be rejected just because of the inherent nature of signatures.” *Lee*, 915 F.3d at 1320.

A. The Record Evidence Supports the Claim That the Failure to Provide Absentee Voters an Opportunity to Cure Imposes a Serious, if Not Severe, Burden on the Right to Vote.

Arkansas’ signature comparison process unconstitutionally burdens the right to vote because it inevitably leads to the rejection of ballots cast by qualified voters without notice and an opportunity to cure. *See* Pls.’ SOF ¶¶ 54-62; Ark. Code Ann. § 7-5-416(b)(1)(F)(ii). Commissioners have admitted that they are not handwriting experts, and signature matching by laypersons is not accurate. *See, e.g.,* Pls.’ Resp. to Defs.’ SOF ¶ 25 (Commissioner Renee Oelschlaeger: “I understand the Sesame Street way of comparing.”); Pls.’ SOF ¶ 57. A signature may not compare for a variety of arbitrary and innocent reasons—including due to the medical

condition of the voter, age, or simply a change in the method of signing given the passage of time. *See* Pls.’ SOF ¶¶ 54, 56. In past elections, the State rejected votes for signature mismatch without providing the voter any opportunity to cure. Pls.’ SOF ¶ 63-64.

The comparison of a voter’s name, address, and date of birth in their ballot pursuant to Section 7-5-416(b)(1)(F)(ii) is a process that also disenfranchises qualified voters without an opportunity to cure. Absentee ballots are disqualified for minor mistakes in names, addresses, and dates of birth without providing the voter any opportunity to cure. *See, e.g.*, Pls.’ SOF ¶ 59. For example, Ms. McNamer completed her voter statement correctly, but was disqualified based on a single incorrect digit in her zip code in one of the two places she wrote her address on her absentee ballot application (which was nonetheless approved by the Pulaski County Clerk). *See* Pls.’ SOF ¶¶ 36-38. The prospect of irrevocable disenfranchisement resulting from a minor inadvertent error on paperwork or a decision by two county commissioners applying inconsistent standards—without notice and opportunity to cure—constitutes a serious, if not severe, burden on voting. *See Lee*, 915 F.3d at 1320. The record evidence therefore does not support application of the rational basis test to Defendants’ conduct, but a higher standard of scrutiny.

Defendants’ efforts to apply rational basis review fail. This Court has already rejected Defendants’ argument that *Anderson-Burdick* does not apply to absentee voting, ruling that “[t]he *Anderson-Burdick* test is the analysis the Court must apply to Plaintiffs’ constitutional claims.” MTD Order at 5; Defs.’ Br. at 11-13.³ Indeed, contrary to Defendants’ arguments, no

³ Defendants conflate the absence of a constitutional obligation to create an absentee voting procedure with their clear obligation to administer the absentee procedure the State has chosen to establish in accordance with the constitutional right to vote. Under the *Anderson-Burdick* test, “where a state has authorized the use of absentee ballots, any restriction it imposes on the use of those absentee ballots which has the effect of severely burdening a group of voters must be narrowly tailored to further a compelling state interest.” *Doe v. Walker*, 746 F. Supp. 2d 667, 681 (D. Md. 2010); *see also Martin v. Kemp*, 341 F. Supp. 3d 1326, 1338 (N.D. Ga. 2018).

court has held that the absence of a cure procedure for mistakes on absentee ballot forms does not burden the right to vote. Unsurprisingly, the vast majority of cases cited by Defendants are inapposite, and those that do concern absentee ballot procedures for voter error or signature comparison decisions arise in states that already *permit some form of cure*. See, e.g., *Memphis A. Philip Randolph Inst. v. Hargett*, 978 F.3d 378, 383 (6th Cir. 2020) (State officials provide notice of defective absentee ballots and “voters whose ballots are rejected may submit a new absentee ballot or cast a provisional ballot in person”); *League of Women Voters of Ohio v. LaRose*, 489 F. Supp. 3d 719, 735 (S.D. Ohio 2020) (absentee voters had “multiple ways of being notified that there is a problem with the signature on their application or ballot, an opportunity to cure, and the option of voting provisionally on election day”).⁴

Further, Defendants’ claim that “Arkansas provides notice and other protections” is based on the conjecture that “if a person’s ballot were rejected during the primary election, the notice would enable them to avoid making the same mistake during the general election.” Defs.’ Br. at 17. Defendants cite no authority for the proposition that a state gets one free pass at disenfranchising a voter before that voter’s constitutional rights apply. Defendants’ description of other aspects of Arkansas voting procedure is simply irrelevant. Compare Defs.’ Br. at 14 (“Any potential burden would be minimal within the landscape of all opportunities to vote in

⁴ The same is true of Defendants’ authorities concerning voter identification laws. See, e.g., *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 199 (2008) (severity of burden was “mitigated by the fact that, if eligible, voters without photo identification [were able to] cast provisional ballots that will ultimately be counted ... [traveling to the] circuit court clerk’s office within 10 days to execute the required affidavit.”); *Brakebill v. Jaeger*, 932 F.3d 671, 675 (8th Cir. 2019) (in-person voters without identification document permitted to cast provisional ballot and present identification document at a later date). Defendants also cite *Mi Familia Vota v. Hobbs* for the proposition that “there is no constitutional right to cure a missing signature on a mailed ballot,” but that statement is dicta by a lower court because the case concerned the timing of Arizona’s cure procedure in a missing signature case, not the existence of a cure procedure for mismatched signatures or typographical errors. See 2022 WL 2290559 at *16 (D. Ariz. 2022).

Arkansas.”), with MTD Order at 5-6 (*Anderson-Burdick* weighing “must be done in the context of the relevant area of law challenged”). Further, Defendants’ description of the voting landscape as “relatively easier” cherry-picks from any number of metrics⁵ and misses the import of Plaintiffs’ claims. See Defs.’ Ex. 2, at 2. For purposes of their constitutional claim, Plaintiffs do not take issue with the type of information requested by the Arkansas Statutes or the fact that ballots must be filled out with basic, identifying information. Instead, they take issue with the *uncurable* disenfranchisement of eligible voters.

Finally, the burden on the right to vote is significant under *Anderson-Burdick* irrespective of the number of voters impacted. *Martin*, 341 F. Supp. 3d at 1339 (even if “the risk of an erroneous deprivation is by no means enormous, permitting an absentee voter to resolve an alleged signature discrepancy nevertheless has the very tangible benefit of avoiding disenfranchisement.”); see also *League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224, 244 (4th Cir. 2014) (it is a “basic truth that even one disenfranchised voter—let alone several thousand—is too many”). In *Frederick*, the court explained that a similar failure to provide notice and cure imposed a “significant burden” on the right to vote, even though “a comparatively small number of voters are likely to be disenfranchised based on a signature mismatch each election cycle,” because this failure resulted in complete disenfranchisement. *Frederick v. Lawson*, 481 F. Supp. 3d 774, 798 (S.D. Ind. 2020).

Defendants’ reliance on *Brakebill v. Jaeger* to argue otherwise is misplaced, as the Eighth Circuit focused on “how many voters attempted to [comply with the requirement] but

⁵ In contrast, one academic study considered ten variables with multiple subparts in a comprehensive survey of the ease of voting access in the United States and ranked Arkansas as the 48th – after examining all of the metrics, only two states made voting more difficult. Scot Schraufnagel, Michael J. Pomante, and Quan Li. Cost of Voting in the American States: 2022*. *Election Law Journal: Rules, Politics, and Policy*. Sep 2022.220-228.<http://doi.org/10.1089/elj.2022.0041>

were unable to do so with reasonable effort” in the context of plaintiffs’ request for a statewide injunction against the enforcement of a law in all cases as to all voters. *See Brakebill* 932 F.3d at 679. Here, Plaintiffs are not seeking an injunction against the enforcement of any law. Rather, Plaintiffs merely request that the subset of absentee voters whose ballots may be disqualified pursuant to that comparison process receive an opportunity to demonstrate the validity of their absentee ballots. *See Lee*, 915 F.3d at 1315 (“[V]oting alone is not enough to keep democracy’s heart beating. Legitimately cast votes must then be counted.”).

B. The Record Evidence Disputes Defendants’ Assertion of Any State Interest That Outweighs the Injury to the Right To Vote.

Defendants allege that Arkansas’ interests include orderly administration of elections, preventing voter fraud, and maintaining public confidence in elections. Defs.’ Br. at 1. As explained below, the record does not establish that those interests outweigh disenfranchising voter. To the contrary, Plaintiffs have identified facts supporting a conclusion, as in *Lee*, that “the serious burden on voters outweighs” Arkansas’ interests because the “interest in preventing fraud is not in conflict with the voters’ interest in having their legitimately-cast ballots counted,” there are no facts suggesting “timely and orderly election processing will be impaired by providing . . . a reasonable opportunity” to cure ballots, and “public faith in elections benefits from providing injured voters the opportunity to have their legitimately cast ballots counted when the reason they were not counted was not the voters’ fault.” 915 F.3d at 1325–26.

Orderly Administration of Elections: Defendants cite the orderly administration of elections to justify the absence of an opportunity to cure. Defs.’ Br at 1, 17. However, Defendants cite no facts that specify to what extent the State would be unduly burdened by including a cure period. That absence is significant, seeing as absentee voters are already provided notice and opportunity to cure after Election Day, where ballots are made provisional

due to omission of voter identification documents. Pls.’ SOF ¶ 28. Seeing as absentee voters already receive notice that their ballots have been disqualified due to comparison, Pls.’ SOF ¶ 21, Plaintiffs merely request that absentee votes identified as signature mismatch or containing typos in identifying information receive the same notice and opportunity to cure. *See Saucedo v. Gardner*, 335 F. Supp. 3d 202, 221 (D.N.H. 2018) (“[T]his is a case not of foisting wholly novel procedures on state election officials, but of simply refining an existing one to allow voters to participate and to ensure that the process operates with basic fairness.”).

Defendants’ inability to show any burden is compounded by the voting data produced in this case. For example, according to the SBEC’s data, there were 1,757 provisional ballots in the elections from August 2021 through June 2022. Providing cure opportunities for absentee ballots with signature, name, address, and date of birth issues would have added only 427—fewer than 25% of the number of provisional ballots that were offered a cure. Pls.’ SOF ¶ 23. And at least one county in Arkansas ***already provides notice and cure*** to absentee voters for comparison rejections. Pls.’ SOF ¶ 24.⁶

Preventing Voter Fraud: Providing notice and opportunity to cure does not implicate voter fraud deterrence in any way. As the Eleventh Circuit has explained, “if a voter is able to cure the signature-match problem,” then the “fraud protected against by the signature-match provision” does not even occur and thus Defendants “have identified no fraud-prevention interest that justifies depriving legitimate vote-by-mail and provisional voters of the ability to cure the

⁶ Defendants rely on inapposite authority: *see Lemons* (potential disruption of changes to referendum procedure); *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997) (anti-fusion law that prohibited candidates from appearing on the ballot as the candidate of more than one party); *Obama for Am. v. Husted*, 697 F.3d 423 (6th Cir. 2012) (the administrative burden concerned how long in-person early voting was open); *League of Women Voters of Ohio v. LaRose*, 489 F. Supp. 3d 719 (S.D. Ohio 2020) (signature matching law that ***did*** provide opportunity to cure).

signature mismatch, thereby disenfranchising them.” *Lee*, 915 F.3d at 1315. In fact, “providing mail-in absentee voters notice and the opportunity to cure a perceived signature mismatch by confirming their identity in fact promotes these important governmental interests” in preventing fraud. *Frederick*, 481 F. Supp. 3d at 796. Defendants’ own expert admitted “anti-fraud” efforts are “trying to weed out . . . ballots that are cast inappropriately, fraudulently, [so they] aren’t counted in the final tally, right; whereas, notice and cure is you’re opening an avenue to include ballots that may have been excluded due to voter error.” *See* Pls.’ Resp. to Defs.’ SOF ¶ 45. Further, the SBEC’s guidance for commissioners indicates that the notice and cure process for voter identification documents is compatible with Arkansas’ interest in preventing voter fraud. *See* Pls.’ SOF ¶ 28.

Moreover, the record demonstrates that election authorities do not consider the comparison process as a means to prevent fraud. Commissioner Renee Oelschlaeger testified that she does not consider the verification process to be an anti-fraud measure at all. Pls.’ SOF ¶ 25 (“We’re not tasked to look for fraud. That’s not in our purview, I guess.”). Nor is there evidence that the comparison process ever led to the discovery of voter fraud. Pls.’ SOF ¶ 25. Indeed, despite having control of, and access to, thousands of election-related investigations and producing several years’ worth of them to the Plaintiffs, the SBEC was unable to cite to a single complaint or report in their motion indicating that voter fraud had been identified as a result of the verification process.

Public Confidence in Elections: Contrary to Defendants’ factual assertion, the record evidence is that disqualification of legitimate voters under Arkansas’ challenged processes undermines public confidence in elections. *See Lee*, 915 F.3d at 1323-24 (“A realistic assessment of the facts here indicates that vote-by-mail voters who followed the ostensible

deadline for their ballots only to discover that their votes would not be counted and that they would have no recourse were the ones to experience a clash with their expectations and fundamental fairness.”). Upon receiving the news that his ballot had been disqualified based on signature mismatch and he had no way to correct the apparent error, one Arkansas voter stated to the SBEC, “[i]t is a terrible way to run an election.” Pls.’ SOF ¶ 63. As Mr. McNee explains, the fact that his absentee ballot might be thrown out without any opportunity to confirm he cast it “undermines my faith in the Arkansas election process.” Pls.’ SOF ¶ 49. By contrast, notice and cure, which allows for legitimately-cast votes to be counted, supports public confidence in the same way that it supports anti-fraud endeavors. When asked why Jefferson County provides notice and cure opportunities to all, Commissioner Mike Adam said, “We do it because we think it’s the right thing to do.” Pls.’ SOF ¶ 24.

Defendants have not established that the marginal costs of extending notice and cure to additional absentee voters outweigh the burden imposed on voters by the comparison process.

III. Defendants Are Not Entitled to Summary Judgment on Plaintiffs’ Statutory Claims

Disqualification of an absentee ballot based on a minor discrepancy between two forms is precisely the species of disenfranchisement the Materiality Provision precludes. *See* 52 U.S.C. § 10101(a)(2)(B) (“No person acting under color of law shall . . . deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.”). This provision “address[es] those state election practices that increase the number of errors or omissions on papers or records related to voting and provide an excuse to disenfranchise otherwise qualified voters.” MTD Order at 9; *see also Org. for Black Struggle v. Ashcroft*, 493 F. Supp. 3d 790, 803 (W.D. Mo. 2020).

A. Plaintiffs Allege a Genuine Issue of Material Facts as to Whether Providing Redundant Voter Information Is Material.

This Court previously explained that a denial of the right to vote on the basis of immaterial errors or omissions may occur “where State law requires absentee voters to provide [information reflecting their citizenship, residency, age, registration status, or photo identification] several times” and voters “have correctly provided that information at least once,” but the ballot is rejected “on the basis of a mismatch or omission in one of the multiple documents they have provided.” MTD Order at 8, 9. Ms. McNamer’s disqualification exemplifies the type of error that has resulted in such a violation of the materiality provision. Ms. McNamer provided her address at least four times: (i) when she registered to vote, (ii) for the mailing address on her absentee ballot application, (iii) as her residential address on her absentee ballot application, and (iv) on her voter statement when she submitted her absentee ballot. Ms. McNamer also correctly provided her name, date of birth, comparable signatures, and voter identification documents according to the requirements of each step of this process. She was disqualified because she accidentally wrote one digit incorrectly in her zip code the third time she provided her address, even though the county clerk approved the application containing the incorrect zip code and even though the correct zip code was visible to the Pulaski County CBEC in the mailing address on her application and on her voter statement.

Defendants have not introduced any “evidence demonstrating the materiality of requiring [the information listed in Section 7-5-416(b)(1)(F)(ii)] to be provided on multiple forms,” MTD Order at 9, much less that a single error on any of those forms is a material reason to disqualify a ballot. Defendants’ analogy to the National Voter Registration Act of 1993 fails because that statute merely requires a voter provide name, address, and date of birth once. Plaintiffs do not dispute that this information may be material to establishing voter eligibility in the first instance.

Plaintiffs dispute that the comparison of this information across multiple forms after a voter has already been deemed eligible to receive an absentee ballot is material. *See Martin v. Crittenden*, 347 F. Supp. 3d 1302, 1308 (N.D. Ga. 2018) (concluding that discarding absentee ballots on the basis of a missing or incorrect birth year was particularly problematic because election officials had already accepted the voter's application to vote absentee and, in doing so, had determined the voter's eligibility). To the contrary, several county officials testified that they are able verify voters' identity regardless of a slight mismatch in voter information further showing that redundant information is immaterial. *See* Pls.' Resp. to Defs. SOF ¶¶ 23, 43; *see also Martin*, 347 F. Supp. 3d at 1308 (election officials had already confirmed that they could identify the voter with the other information provided on the ballot). A Benton County commissioner testified that some of the time voters write the current year in at least one place on the ballot records instead of their birthdate, but they do not reject those absentee ballots because the mistake happens and they are able to verify the voter's identity with other information. *See Anzalone Tr.* at 52:4–53:13.

B. The Materiality Provision Confers on Private Parties a Private Cause of Action.

This Court has already found that Plaintiffs have a private right of action to enforce the materiality provision of the Civil Rights Act 52 U.S.C. § 10101. MTD Order at 8. The Court further held that if the right is not implied under 52 U.S.C. § 10101, then it would exist pursuant to 42 U.S.C. § 1983. The Court should not revisit that finding, which is consistent with Eighth Circuit case law and the practice of enforcing the Materiality Provision through a private right of action since its enactment. Congress intended to create a private right of action under the Materiality Provision because the statute has rights-creating language and demonstrates an intent to create a private remedy. *Alexander v. Sandoval*, 532 U.S. 275, 286 (2001). *Gonzaga Univ. v.*

Doe, 536 U.S. 273, 283 (2002).

On its face, the statute is “phrased in terms of the persons benefitted,” because it explicitly protects “the right of any individual to vote in any election” by prohibiting any official from denying that right based on “an error or omission on any record or paper relating to any application, registration, or other act requisite to voting” that is “not material in determining whether such individual is qualified to vote in such election.” *Gonzaga*, 536 U.S. at 274; 52 U.S.C. § 10101(a)(2)(B). The focus of the Materiality Provision is, thus, on the individual’s right to vote. *See Schweir v. Cox*, 340 F.3d 1284, 1296 (11th Cir. 2003). This textual analysis—that the Materiality Provision focuses both on the protected individuals and the regulated entities—is consistent with the Supreme Court’s jurisprudence on whether by its text, a statute includes rights-creating language. *See Sandoval*, 532 U.S. at 289 (holding Section 602 of Title VI contained no rights-creating language because statute “focuses neither on the individuals protected nor even on the funding recipients being regulated, but on the regulating agencies,” and contrasting statute before it with *Cannon v. University of Chicago*, 441 U.S. 677, 694 (1979), in which the Court held the statutory text of Title IX contains rights-creating language because it “explicitly confers a benefit on persons discriminated against on the basis of sex”); *Blessing*, 520 U.S. at 343 (no rights-creating language in statute where focus was on “aggregate services provided by the State” rather than “needs of any particular person”).

The statute also evinces congressional intent to create a private remedy. The statute establishes jurisdiction for any “proceedings instituted” by a “party aggrieved” to enforce the law. *See also Verizon Md., Inc. v. Pub. Serv. Comm’n of Md.*, 535 U.S. 635, 644 (2002) (finding a provision permitting “[a]ny party aggrieved” to “bring an action” “reads like the conferral of a private right of action” (citation omitted)); *Morse v. Republican Party of Va.*, 517 U.S. 186, 233

(1996) (similar). Defendants suggest that the presence of an Attorney General enforcement scheme was intended to supplant any private remedy. Defs.’ Br. at 20. But that is not true. Private parties have enforced the provisions of the Civil Rights Act without controversy. In fact, “recoveries have been made pursuant to that remedy for deprivation of the right to vote.” H.R. Rep. No. 85-291 at 1977, as reprinted in 1957 U.S.C.C.A.N. 1966. The House Report cited two cases, *Chapman v. King*, 154 F.2d 460 (5th Cir. 1946), and *Brown v. Baskin*, 78 F. Supp. 933, 942 (E.D.S.C. 1948), aff’d 174 F.2d 391 (1949), in which private parties sued respective state officials for depriving them of their right to vote under Section 1971. Moreover, in *Brown*, in particular, the parties were able to secure injunctive relief. *Id.* Thus, while the 1957 amendments to the Civil Rights Act strengthened the Attorney General’s power to institute actions under the statute, nowhere did the amendments take that right away from private parties.⁷

Plaintiffs would also be able to bring this claim because the Materiality Provision is also enforceable by private parties under 42 U.S.C. § 1983, which clearly provides a remedy by allowing *any person* to bring a civil action seeking redress against another for the deprivation of rights under the Constitution and the laws of the United States, and which Plaintiffs pled. 2d Am. Compl., ECF No. 42, ¶ 20. Nothing in the text and structure of the Materiality Provision forbids recourse or remedy under Section 1983. *See Gonzaga*, 536 U.S. at 284 n.4; *Johnson v. Hous. Auth. of Jefferson Parish*, 442 F.3d 356, 365–66 (5th Cir. 2006) (there was “absolutely no

⁷ The legislative history also shows that Congress, at the time that it enacted the Materiality Provision as part of the Civil Rights Act amendments in 1964 and in subsequent amendments, intended to include rights-creating language. In 1957, Congress passed an amendment titled “To Provide Means of Further Securing and Protecting the Right To Vote,” which granted the Attorney General power to enforce the act. Civil Rights Act of 1957, Pub. L. No. 85-315, § 131 71 Stat. 634, 637 (1957). That title echoed the statutory purpose identified by the Judiciary Committee: to “provide means of further securing and protecting the civil rights of *persons* within the jurisdiction of the United States,” recognizing that “section 1983 . . . has been used [by private actors] to enforce . . . section [10101].” H.R. Rep. No. 85-291 (1957) (emphasis added).

indication in the statute that Congress intended for *exclusive* enforcement authority to be vested in HUD” because “[b]oth methods of enforcement may coexist if Congress so intends”).

C. The Materiality Provision Requires No Showing of Racial Discrimination.

The plain language of the Materiality Provision protects the right of “any individual to vote in any election,” not only those who have suffered racial discrimination, 52 U.S.C. § 10101(a)(2)(B). This should be enough to settle the matter.⁸

If it is not, then the legislative history confirms that the Materiality Provision applies broadly to all voters, not just those who have suffered racial discrimination. It is of course true that the Civil Rights Act, including Title I, was motivated by Congress’s desire to stamp out racial discrimination. *See* H.R. Rep. No. 88-914 (1964), as reprinted in 1964 U.S.C.C.A.N. 2391, 2394. The way Congress addressed the issue, however, was by providing protection to all voters. The House Report describes the Materiality Provision as “requiring the application of uniform standards, practices, and procedures to all persons seeking to vote in Federal elections and by prohibiting the disqualification of an individual because of immaterial errors or omissions in papers or acts relating to such voting,” without any specific mention of race. 1964 U.S.C.C.A.N. at 2394.⁹

The Attorney General at the time and several legislators also echoed what was in the

⁸ The structure of Section 1971 also very clearly separates each of the subsections with semicolons, which reveals Congress’s intent: “Race, color, or previous condition not to affect right to vote; uniform standards for voting qualifications; errors or omissions from papers; literacy tests; agreements between Attorney General and State or local authorities; definitions.” 52 U.S.C. § 10101(a).

⁹ And even if Congress intended to prevent racial discrimination, Defendants ignore that Congress has the right to adopt “prophylactic legislation that proscribes facially constitutional conduct, in order to prevent and deter unconstitutional conduct,” such as that “prohibited by the Fourteenth and Fifteenth Amendments in order to implement its protections.” *Nev. Dep’t of Human Res. v. Hibbs*, 538 U.S. 721, 727–28 (2003). Congress can, therefore, prohibit a broader swath of conduct not explicitly forbidden by the text of an Amendment. *Id.*; *see also* Br. of Appellee, at 46.

House Report—that the amendments to Title I, of which the Materiality Provision was one, intended to benefit “all voters.” *See* Hearing on H.R. 7152 before the H. Comm. on the Judiciary. 88th Cong. 5 (1963) (Statement of Robert F. Kennedy, Attorney General) (Title I “prescribes the same registration standards to all persons, prohibits the rejection of applicants for immaterial errors . . .”); 110 Cong. Rec. 12689 (1964) (Statement of Sen. Leverett Saltonstall on the Dirksen Mansfield substitute) (“Title I requires registration officials to apply uniform standards in registering voters and prohibits denial of registration because of immaterial errors or omissions on voting applications in Federal elections.”).

Consistent with the text and legislative history discussed above, many courts have not required any showing of racial discrimination vis-à-vis a Materiality Provision claim. *See, e.g., Browning*, 522 F.3d, at 1175 (a proper interpretation of the Materiality Provision asks “whether, accepting the error as true and correct, the information contained in the error is material to determining the eligibility of the applicant.”) (emphasis omitted); *Hoyle v. Priest*, 265 F.3d 699, 704–05 (8th Cir. 2001) (same); *Crittenden*, 347 F. Supp. 3d, at 1308–9 (N.D. Ga. 2018) (assessing likelihood of success on Materiality Provision claim brought by voters); *Wash. Ass’n of Churches v. Reed*, 492 F. Supp. 2d 1264, 1270 (W.D. Wash. 2006) (same); *Boustani v. Blackwell*, 460 F. Supp. 2d 822, 826–27 (N.D. Ohio 2006) (same).

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendants’ Motion for Summary Judgment.

Dated : January 24, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 24, 2023, I filed a copy of the above Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment with the Court's electronic filing system, which will send notice to:

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS et al.,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, and
SHARON BROOKS, BILENDA
HARRIS-RITTER, WILLIAM LUTHER,
CHARLES ROBERTS, JAMES SHARP,
and J. HARMON SMITH, in their official
capacities as members of the Arkansas State
Board of Election Commissioners,

Defendants.

Case No. 5:20-cv-05174-PKH

DECLARATION OF HAROLD WILLIFORD

I, Harold Williford, hereby declare as follows:

1. I am a member of the bar of the State of New York and an attorney admitted *pro hac vice* in the above-captioned action.
2. I am an associate at the law firm of Debevoise & Plimpton LLP, counsel for Plaintiffs in the above-captioned action.
3. I respectfully submit this declaration in support of Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment.
4. Attached hereto as Plaintiffs' Exhibit 1 is a true and correct copy of the deposition transcript of Michael John Adam, dated December 14, 2022 ("Adam Dep.").

5. Attached hereto as Plaintiffs' Exhibit 2 is a true and correct copy of the deposition transcript of Russell Anzalone, dated December 2, 2022 ("Anzalone Dep.").

6. Attached hereto as Plaintiffs' Exhibit 3 is a true and correct copy of the deposition transcript of Cara Lindsey Gean, dated December 5, 2022 ("Gean Dep.").

7. Attached hereto as Plaintiffs' Exhibit 4 is a true and correct copy of the deposition transcript of Freddie Harris, dated December 16, 2022 ("Harris Dep.").

8. Attached hereto as Plaintiffs' Exhibit 5 is a true and correct copy the deposition transcript of Renee Oelschlaeger, dated December 6, 2022 ("Oelschlaeger Dep.").

9. Attached hereto as Plaintiffs' Exhibit 6 is a true and correct copy of the deposition transcript of David Scott, dated January 11, 2023 ("Scott Dep.").

10. Attached hereto as Plaintiffs' Exhibit 7 is a true and correct copy of the deposition transcript of Daniel Shults, dated December 2, 2022 ("Shults Dep.").

11. Attached hereto as Plaintiffs' Exhibit 8 is a true and correct copy of the Expert Report of Dr. Linton Mohammed, dated June 2, 2022 ("Mohammed Rpt.").

12. Attached hereto as Plaintiffs' Exhibit 9 is a true and correct copy of the forms relating to Plaintiff Shirley Faye Fields' absentee ballot in the 2020 General Election in Pulaski County (LWVAR0000029).

13. Attached hereto as Plaintiffs' Exhibit 10 is a true and correct copy of the forms relating to Plaintiff Mary Jo McNamer's absentee ballot in the 2020 General Election in Pulaski County (LWVAR0000093).

14. Attached hereto as Plaintiffs' Exhibit 11 is a true and correct copy of the forms relating to Plaintiff Marnette Wendi Penntington's absentee ballot in the 2020 General Election in Pulaski County (LWVAR0000085).

15. Attached hereto as Plaintiffs' Exhibit 12 is a true and correct copy of an email from Pulaski County Election Coordinator Amanda Dickens to Plaintiffs' attorneys that attaches "the spreadsheet containing the disqualified absentee ballots from the 2020 General Election" in Pulaski County (LWVAR0023498).

16. Attached hereto as Plaintiffs' Exhibit 13 is a true and correct copy of the spreadsheet of disqualified absentee ballots in the 2020 General Election in Pulaski County that was attached to the email in Exhibit 12 (LWVAR0023501).¹

17. Attached hereto as Plaintiffs' Exhibit 14 is a true and correct copy of the SBEC Staff Report regarding SBEC Complaint 2020-52 (DEFS_008648).

18. Attached hereto as Plaintiffs' Exhibit 15 is a true and correct copy of the Official Complaint Form for SBEC 2020-052 (DEFS_008635).

19. Attached hereto as Plaintiffs' Exhibit 16 is a true and correct copy of an excerpt of the 2022 County Board of Election Commissioners' Training PowerPoint (DEFS_066860; excerpted from DEFS_066914 through DEFS_066966).²

20. Attached hereto as Plaintiffs' Exhibit 17 is a true and correct copy of an excerpt of the 2022 County Board of Election Commissioners' Procedures Manual (DEFS_066644; excerpted from DEFS_066689 through DEFS_066691, DEFS_066703 through

¹ Dates of birth for voters not party to the case have been redacted.

² Defendants re-produced this document with the Bates numbers DEFS_083132 to DEFS_083275 as Exhibit A to the Declaration of Daniel Shults, dated December 21, 2022 and served on Plaintiffs December 27, 2022. The version stamped DEFS_066860 was introduced as an exhibit in certain depositions in this matter, including the deposition of Mr. Shults on December 2, 2022.

DEFS_066707, DEFS_066746 through DEFS_066759, and DEFS_066816 through DEFS_066819).³

21. Attached hereto as Plaintiffs' Exhibit 18 is a true and correct copy of the Defendant SBEC's Response to Plaintiffs' First Interrogatories ("Defs. SBEC Resp. to Pls. First Interrogs.").

22. Attached hereto as Plaintiffs' Exhibit 19 is a true and correct copy the August 2021 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

23. Attached hereto as Plaintiffs' Exhibit 20 is a true and correct copy the September 2021 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

24. Attached hereto as Plaintiffs' Exhibit 21 is a true and correct copy the October 2021 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

25. Attached hereto as Plaintiffs' Exhibit 22 is a true and correct copy the November 2021 Annual School Election Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

26. Attached hereto as Plaintiffs' Exhibit 23 is a true and correct copy the November 2021 Special Election Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

³ Defendants re-produced this document with the Bates numbers DEFS_083276 to DEFS_083491 as Exhibit B to the Declaration of Daniel Shults, dated December 21, 2022 and served on Plaintiffs on December 27, 2022. The version stamped DEFS_066644 was introduced as an exhibit in certain depositions in this matter, including the deposition of Mr. Shults on December 2, 2022

27. Attached hereto as Plaintiffs' Exhibit 24 is a true and correct copy the December 2021 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

28. Attached hereto as Plaintiffs' Exhibit 25 is a true and correct copy the January 2022 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

29. Attached hereto as Plaintiffs' Exhibit 26 is a true and correct copy the February 2022 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

30. Attached hereto as Plaintiffs' Exhibit 27 is a true and correct copy the May 2022 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

31. Attached hereto as Plaintiffs' Exhibit 28 is a true and correct copy the June 2022 Ballot Disposition Report published by the SBEC online at <https://www.arkansas.gov/sbec/election-information> as of January 24, 2022.

32. Attached hereto as Plaintiffs' Exhibit 29 is a true and correct copy of the Uniform Absentee Voter Instructions (DEFS_070271).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 24, 2023
New York, New York

/s/ Harold Williford
Harold Williford

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

LEAGUE OF WOMEN VOTERS OF ARKANSAS, ET AL.
Plaintiff

vs.

CASE NO. 5:20-CV-05174-PKH

JOHN THURSTON

Defendant

VIDEOTAPED ORAL DEPOSITION OF MICHAEL JOHN ADAM

APPEARING FOR THE PLAINTIFF:

MR. RYAN SNOW, ESQ.
Committee for Civil Rights
1500 K Street NW, Suite 900
Washington, DC 20005
rsnow@lawyerscommittee.org

<p style="text-align: right;">Page 2</p> <p>1 APPEARING FOR THE DEFENDANT: 2 3 4 MR. MATTHEW W. FORD, ESQ. 5 Attorney Generals Office 323 Center Street, Suite 200 6 Little Rock, Arkansas 72201 Matthew.Ford@ArkansasAG.gov 7 8 9 10 ALSO PRESENT: 11 Mr. Kyle Hunter, Esq.; John Sims, Videographer 12 13 14 15 16 17 18 19 20 21 TAKEN BEFORE Jeff Bennett, Certified Court 22 Reporter, LS Certificate No. 19, Bushman Court Reporting, a Veritext Company, 620 West Third Street, 23 Suite 302, Little Rock, Arkansas 72201 on December 14, 2022 at the Hilton Garden Inn, 322 Rock St., Little 24 Rock, Arkansas commencing at 9:06 a.m. 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Exhibit 9 2 Address and Signature Doesn't Match 3 Voter Statement 166 4 Exhibit 10 5 Birthdate and Signature Does Not 6 Match Voter Statement 167 7 Exhibit 11 8 November 3, 2020 Election Expenses 190 9 Exhibit 12 10 No Signature on App Voter Statement 169 11 Exhibit 13 12 Signature Doesn't Match Voter Statement 174 13 Exhibit 14 14 Omitted -- 15 Exhibit 15 16 November 9, 2022 email from Jefferson 17 County Election Commission to 18 Trinity Luther Church Pine Bluff, 19 Subject: Re: Need returned 154 20 Exhibit 16 21 November 8, 2020 email from Mike 22 Adam to Stu Soffer, Subject: Re: 23 Next Up, Attachment: Minutes, 24 November 3, 2020 Election Meeting 153 25</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX 2 WITNESS SWORN: MICHAEL JOHN ADAM 3 Page 4 Examination by Mr. Snow 7 5 EXHIBITS 6 Exhibit 1 7 Subpoena to Testify at a Deposition 8 In a Civil Action 10 9 Exhibit 2 10 Affidavit of Service 10 11 Exhibit 3 12 County Board of Election Commissioners 13 Procedures Manual 24 14 Exhibit 4 15 2022 County Board of Election 16 Commissioners' Training 87 17 Exhibit 5 18 2020 Poll Worker Training 94 19 Exhibit 6 20 Jefferson County, Arkansas 21 Poll Workers Job Guide 97 22 Exhibit 7 23 List of Provisional Voters 148 24 Exhibit 8 25 Address Doesn't Match Voter Statement 161</p>	<p style="text-align: right;">Page 5</p> <p>1 Exhibit 17 2 Photograph of an Absentee Ballot 3 Processing and Counting Procedures 205 4 Exhibit 18 5 Another Photo of a page of an Absentee 6 Ballot and Counting Procedures 205 7 8 Certificate 207 9 Witness' Signature - Waived 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

Page 6

1 ANSWERS AND DEPOSITION OF MICHAEL JOHN ADAM, a
 2 witness produced at the request of Plaintiff, taken in
 3 the above styled and numbered cause on the 14th day of
 4 December, 2022, before Jeff Bennett, Certified Court
 5 Reporter, LS Certificate No. 19, a Notary Public in and
 6 for Saline County, Arkansas, taken at the Hilton Garden
 7 Inn, 322 Rock Street, Little Rock, Arkansas at 9:06 a.m.

8 STIPULATIONS

9 IT IS STIPULATED and AGREED by and between the
 10 parties through their respective counsel that the
 11 deposition of MICHAEL JOHN ADAM may be taken at the time
 12 and place designated pursuant to the Federal Rules of
 13 Civil Procedure.

14 MICHAEL JOHN ADAM

15 The witness hereinbefore named, having been duly
 16 cautioned and sworn or affirmed to tell the truth, the
 17 whole truth, and nothing but the truth, testified as
 18 follows:
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 21
 22
 23
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Page 7

1 THE VIDEOGRAPHER: We are on the audio
 2 and video record. Today's date is
 3 December 14, 2022. The time is approximately
 4 9:06 a.m.

5 This is the Videotaped Deposition of Mike
 6 Adam. This is the case of "League of Women
 7 Voters of Arkansas, et al., versus Thurston."
 8 My name is John Sims. I'm the
 9 videographer out of Little Rock, Arkansas.

10 Will counsel please make a record of your
 11 appearance?

12 MR. SNOW: Ryan Snow, the Lawyers'
 13 Committee for Civil Rights Under Law for the
 14 Plaintiffs.

15 MR. FORD: Matthew Ford, Assistant
 16 Attorney General for the State of Arkansas,
 17 representing the Defendants.

18 THE VIDEOGRAPHER: Will the reporter
 19 please swear in the witness.
 20 (The witness was sworn.)

21 EXAMINATION

22 BY MR. SNOW:

23 Q. Good morning.
 24 A. Good morning.
 25 Q. My name is Ryan Snow. And I'm an attorney for the

Page 8

1 Lawyers' Committee for Civil Rights under Law. And with
 2 my colleagues, Debevoise and Plimpton, LLP, I represent
 3 the League of Women Voters of Arkansas and several
 4 individual Plaintiffs.

5 So at the beginning could you please state and
 6 spell your full name for the record?

7 A. Michael John Adam. M-I-C-H-A-E-L J-O-H-N A-D-A-M.

8 Q. Thank you. And just to be clear before we get
 9 started. You're not a party to this case. The purpose
 10 of our deposition today is to learn more about Jefferson
 11 County's absentee voting and canvassing processes, and
 12 to get a better understanding of how you all administer
 13 that process in Jefferson County.

14 A. Okay.

15 Q. Have you ever been deposed before?

16 A. Not that I can recall.

17 Q. So we'll start with a quick overview of a few
 18 important points to keep in mind. We can take a break
 19 whenever we want. I just ask that we don't take a break
 20 in the middle of a question being asked or answered. Is
 21 that all right?

22 A. Okay.

23 Q. Okay. I'll make sure to let you finish your
 24 answers before I ask another question. And I would ask
 25 that you listen to the full question before you answer.

Page 9

1 That will make sure we have a clear record. We have a
 2 court reporter here who will be writing down everything
 3 that is said for the duration of the deposition. And
 4 for recordkeeping purposes it's important to verbalize
 5 your answers instead of nodding or --

6 A. Okay.

7 Q. Does that sound good?

8 A. Yes.

9 Q. Thank you. And you understand your testimony
 10 today is being given under oath?

11 A. Yes.

12 Q. And that your testimony can be shown to a judge or
 13 jury and used as evidence in connection with this case?

14 A. Yes.

15 Q. Great. So we're going to review a number of
 16 documents together, which I'll mark as numbered
 17 exhibits. If you need additional time to review a
 18 document before answering or before discussing it,
 19 please let me know. And please keep the exhibits in
 20 front of you, because we may turn back to an earlier
 21 exhibit after moving on. Does that all sound good?

22 A. Okay.

23 Q. All right. Thank you. So do you recall receiving
 24 a subpoena to testify in this case?

25 A. Yes.

Page 10

1 Q. I'm just going to mark as Plaintiff's Exhibit 1
 2 that subpoena.
 3 (Plaintiff's Exhibit 1 was marked for
 4 identification.)
 5 Q. I'll hand you a marked copy and copies for you
 6 gentlemen. Do you recognize this document?
 7 A. Yes.
 8 Q. So I'll represent to you that it's a true and
 9 accurate copy of the subpoena that you received that was
 10 served on October 18, 2022. Is this the subpoena that
 11 you received?
 12 A. There were other papers included in it.
 13 Q. But this is the subpoena you --
 14 A. These are three of the pages that I received.
 15 Q. And when did you first see the subpoena?
 16 A. I don't remember the date. Whatever day I was
 17 served.
 18 Q. Thank you. I'm showing you the affidavit of
 19 service, which I'll mark as Plaintiff's Exhibit 2 just
 20 for the record.
 21 (Plaintiff's Exhibit 2 was marked for
 22 identification.)
 23 A. According to what it says here, it's 11/29. Yeah,
 24 that's the same date, 11-29-22. No, that's when I was
 25 supposed to be here. I don't see the date on there.

Page 11

1 Q. That's fine. Do you recognize this document,
 2 Plaintiff's Exhibit 2?
 3 A. No.
 4 Q. So I'll just represent that that is a true and
 5 accurate copy of the affidavit. I'm showing you were
 6 served a subpoena on November 17, 2022. And so have you
 7 reviewed either of these documents before?
 8 A. I haven't seen this one before, no.
 9 Q. Okay.
 10 A. And the time doesn't look correct. Oh, it says
 11 return time. So that's not when I was served.
 12 Q. This is just Andrew Myers accepting service on
 13 your behalf.
 14 A. Andrew Myers didn't accept service on my behalf.
 15 I accepted service myself.
 16 Q. Oh, I'm sorry. By delivering it to a meeting with
 17 Michael Adam at the above address to be authorized to
 18 accept service of process on behalf of Jefferson County
 19 Board of Election Commissioners. Do you see where it
 20 says in the last paragraph?
 21 A. I do. And it has my name spelled wrong.
 22 Q. It does, doesn't it. Apologies for that.
 23 MR. FORD: I'm sorry. I'm not trying to
 24 interrupt. But this looks to be a document --
 25 are you asking him about the personal

Page 12

1 appearance? I just want the record to be
 2 clear.
 3 MR. SNOW: Well, so Plaintiff's Exhibit 1
 4 is for testimony. And Plaintiff's Exhibit
 5 2 --
 6 A. I don't know why this is here. I've obviously
 7 been served, so.
 8 BY MR. SNOW:
 9 Q. Just for the record then we can move on. Are you
 10 familiar with what this case is generally about?
 11 A. Yes. I read the full suit that I was given when I
 12 was served.
 13 Q. Okay.
 14 A. So there's quite a few papers involved in that, so
 15 yes.
 16 Q. Thank you. And how would you describe the general
 17 litigation?
 18 A. They're trying to change the law in Arkansas as to
 19 how absentee ballots are processed and counted. And I
 20 think they missed the point, because I think they're
 21 asking for things that are already being done.
 22 Q. Good. I'm glad to hear that. So maybe we can get
 23 into that in a little bit. Other than your attorney
 24 here, have you discussed this case with anyone?
 25 A. I believe I talked with the commission about the

Page 13

1 fact that we had to get records together. So yes, it's
 2 the same case, even though it wasn't me being served.
 3 Because that was -- I was served prior to that as
 4 commission chairman. And we supplied all those records
 5 to the New York law firm as directed. We asked for a
 6 delay, because we were in the middle of an election, and
 7 we thought it was more important to get our election and
 8 our voters taken care of. And so we got a delay. And I
 9 thought we were going to run passed that, but our crew
 10 worked really hard to put in a lot of time, and I think
 11 we got all the records that were requested.
 12 Q. Absolutely. I very much appreciate it. And also
 13 very much appreciate your work. I'll say that for the
 14 record. So what have you done to prepare for this
 15 deposition?
 16 A. Just read it.
 17 Q. The case?
 18 A. Uh-huh. Just read what I was given. I asked my
 19 attorney to look at it.
 20 Q. So in addition to these, you reviewed some of the
 21 court papers?
 22 A. When I was served, what I was given when I was
 23 served. It's an attachment. Please take notice that
 24 pursuant to Rule 30 and 45, District Court, Second
 25 Amended Complaint Introduction, Arkansas laws governing

Page 14

1 absentee voting, disenfranchise, absentee voters is one
 2 of the allegations and some other things there, so yes.
 3 Q. So you've read the Complaint?
 4 A. Yes.
 5 Q. Who provided you with those -- with those
 6 documents?
 7 A. The person that served me.
 8 Q. Great. Thank you. So with that out of the way, a
 9 bit of personal background. You live in Jefferson
 10 County?
 11 A. I do.
 12 Q. And are you a registered voter in Jefferson
 13 County?
 14 A. I am.
 15 Q. Where else have you lived besides Jefferson
 16 County?
 17 A. Ft. Bragg, North Carolina, Detrang, Vietnam,
 18 Chicago, Illinois, Bowling Brook, Illinois, Oak Park,
 19 Illinois. I think that's all.
 20 Q. And when did you most recently move to Jefferson
 21 County?
 22 A. January 1, 1971.
 23 Q. And currently you're the chair of the Jefferson
 24 County Board of Election Commissioners?
 25 A. I am.

Page 15

1 Q. And how long have you been the chair?
 2 A. Since 2015.
 3 Q. And so you were elected chair by two of the
 4 members of the commission?
 5 A. Yeah. It was a unanimous vote, but yes.
 6 Q. And is being the chair your full-time job?
 7 A. No.
 8 Q. What is your other work?
 9 A. I own a Power Sports dealership.
 10 Q. And how long have you been doing that?
 11 A. Since 1971.
 12 Q. So were you the chairperson in 2020?
 13 A. Yes.
 14 Q. Were you the chairperson in 2018?
 15 A. Yes.
 16 Q. Have you ever served as chair of the Board of
 17 Elections in any other county?
 18 A. No.
 19 Q. Before you became chair, had you ever held any
 20 other positions on the Jefferson County Board of
 21 Elections?
 22 A. No.
 23 Q. Have you ever worked in elections in any other
 24 capacity in Jefferson County?
 25 A. No.

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1 Q. Have you ever worked at the polls on election day?
 2 A. No.
 3 Q. Have you ever worked at the polls for early
 4 voting?
 5 A. No.
 6 Q. Have you ever worked --
 7 A. Well, have I ever worked -- in my current position
 8 I do, although that's not my primary function while I'm
 9 there. So I do do that, yes.
 10 Q. Did you work at the polls during early voting?
 11 A. Not early voting, but during voting or the
 12 election day.
 13 Q. On election day?
 14 A. Uh-huh.
 15 Q. Okay.
 16 A. Yeah, because that's part of the job of the
 17 Election Commission is to oversee. And if there's
 18 problems that we get involved. So yes, I guess you'd
 19 say I worked them.
 20 Q. Can you briefly describe the nature of that work
 21 as part of your official duties on election day?
 22 A. On election day is to supervise all the poll
 23 sites, put out "fires", quote, if there are any. Make
 24 sure the machines are working. Get technicians out
 25 there if the machines are simple problems. We've got

Page 17

1 most of our poll workers are older. And some of them
 2 don't remember some of the things. So you go in there
 3 and help them. And then after the polls then we
 4 tabulate votes. And we've got people to do that too.
 5 Q. Have you ever worked as an absentee ballot clerk?
 6 A. No, but I have overseen it.
 7 Q. Have you ever worked in elections in other county?
 8 A. No.
 9 Q. As a poll worker in another county?
 10 A. No.
 11 Q. As an absentee ballot clerk in another county?
 12 A. No.
 13 Q. And none of those in another state?
 14 A. No. I actually observed in Chicago, if that helps
 15 any, not as an official, but I've seen the process in
 16 Chicago, which is not very pretty.
 17 Q. The election day?
 18 A. Yes. Sorry.
 19 Q. That's okay. So what made you want to serve as
 20 the election chair?
 21 A. My son ran for office here in Jefferson County.
 22 And he didn't win, but he came very close. And he ran
 23 as a republic, which was very strange for Jefferson
 24 County, and especially to get as close as he did. And
 25 so I got to watching a lot of things going on. And I

Page 18

1 went to meetings. And we did a lot of things. So I
 2 started going to public and committee meetings. And
 3 then I started going to Election Commission meetings.
 4 And I observed a lot of what was happening. And some of
 5 it was rather strange. There was some things happened
 6 that I didn't think should have happened. And so I had
 7 no idea that I was going to be on the commission. But I
 8 was very interested in what was going on. And I was an
 9 observer at the meetings. And I went to -- I started
 10 going to all of them probably six months or so before I
 11 got on the commission.
 12 Q. So when was that?
 13 A. About six months before. So probably 2014, maybe
 14 before then even. But that's what I recall right now.
 15 Q. And when was it that you observed some things that
 16 shouldn't have been going on?
 17 A. In 2014, maybe before that.
 18 Q. What were the nature of those things?
 19 A. Well, there was a lawsuit because some of the
 20 materials were lost.
 21 Q. Which materials?
 22 A. Some of the results of an election, as I recall.
 23 That's been a while, so of this may be -- it's all from
 24 memory. I think one of the coordinators misplaced some
 25 stuff or they couldn't find it. There was trying to be

Page 19

1 a recount. And I wasn't involved in that lawsuit. That
 2 was before my time. But I saw that. And we didn't have
 3 any what I call secure rooms for election materials
 4 results. We're supposed to keep results for 24 months.
 5 They're supposed to be secure. Nobody is supposed to
 6 get to them unless a court order. Hence, the court
 7 order on the previous one is how we could access those
 8 to get you the materials that were asked for before.
 9 And anyhow, Arkansas' seven constitutional offices
 10 all flipped over. And so it went from two Democrats on
 11 the commission and one Republican to vice versa, to two
 12 Republicans and one Democrat.
 13 Q. Sorry. The state --
 14 A. Your state is determined by there's seven
 15 constitutional offices. The majority of the number of
 16 officers that are either party determines how many
 17 election commissioners from their party. So if there's
 18 more Republicans, there will be more Republicans on the
 19 commission, it will be two and one. And vice versa, it
 20 used to be always the Democrats were in control. So it
 21 was always two Democrats and one Republican.
 22 And so there was a gentleman on the commission I
 23 think did a very good job, very, very knowledgeable that
 24 was a Republican. And one night at one of the election
 25 at the Republican meetings, they said, How would you

Page 20

1 like to be on the Election Commission? I said, What?
 2 Well, you're always going. You know what's going on.
 3 You seem pretty knowledgeable about it, interested. I
 4 said, Let me think about it. And I did and I said,
 5 Okay. And so I came on. I think I hit the ground
 6 running. I got good education. I read the law book a
 7 bunch of times, the manual for the election
 8 commissioners. And at the organizational meeting after
 9 I got in, they asked me to be the chairman, and I said
 10 okay.
 11 Q. So how would you describe your core motivation for
 12 serving as the chair?
 13 A. I wanted to make sure things were done right.
 14 That was my big thing. And one of my first things was
 15 we set up a secure room. We locked up all the ballots
 16 and all the other election materials, and nobody had any
 17 access to it. Which before that it wasn't possible.
 18 Everything was just helter-skelter. And there were a
 19 lot of things done like that. I can't name them
 20 off-hand. But that was my biggest thing is do it right.
 21 And I think we've done a lot of that.
 22 Q. So it's fair to say that you believe people voting
 23 in elections are important, right?
 24 A. Absolutely.
 25 Q. Why would you say that?

Page 21

1 A. That's how our country was founded, is that we get
 2 to vote on what we're going to do. That's just the way
 3 I see it as. You know, if you don't have your say, it's
 4 not fair, so yeah.
 5 Q. So it's fair to say that all eligible voters in an
 6 election should be able to cast their ballot and have
 7 that ballot counted?
 8 A. Yeah, if they can prove they're eligible. I don't
 9 think illegal aliens should have any vote. If you're
 10 not a citizen you shouldn't be able to vote. You dilute
 11 my vote if you do.
 12 Q. So all eligible voters in an election should be
 13 able to cast their ballot and have that ballot counted?
 14 A. Sure.
 15 Q. Thank you. Have you ever held a position on the
 16 State Board of Elections Commission?
 17 A. No.
 18 Q. So how many members are there on the Jefferson
 19 County Board of Election Commissioners?
 20 A. Three.
 21 Q. So besides you, who are the other members?
 22 A. Right now it's Sam Beavers and Sharon Hardin.
 23 It's H-A-R-D, and I think it's I-N.
 24 Q. Can you say the names again just so we have a
 25 clear record?

<p style="text-align: right;">Page 22</p> <p>1 A. Sam Beavers and Sharon Hardin. 2 Q. Thank you. And how long have each of them served 3 on the commission? 4 A. Sam came on this past -- this year. And Sharon 5 came on previously. So she's been on a little over a 6 year. And Sam's probably been on less than a year. 7 Q. So what are your responsibilities as a 8 commissioner? 9 A. Run elections. 10 Q. Can you elaborate just a little bit, a little bit 11 broader? 12 A. Prepare for elections, run a ballot draw, run ads 13 in the newspaper, set up polling sites, hire poll 14 workers and train them, train our other commissioners, 15 ensure only eligible voters get to vote, keep people 16 away from the poll site that don't belong there, 17 tabulate the votes and make sure that's done, verify 18 them, announce the totals, hold hearings for provisional 19 ballots, total those and certify the election. I guess 20 that's a general. 21 Q. Thank you. And so this includes, your 22 responsibilities includes providing ballots for absentee 23 and early voting? 24 A. Yes. 25 Q. And voting on election day?</p>	<p style="text-align: right;">Page 24</p> <p>1 through there and we do a lot of work to get to be able 2 to tabulate them, so yes. 3 Q. Thank you. So let's take a look at this document 4 which I've marked Plaintiff's Exhibit 3. 5 (Plaintiff's Exhibit 3 was marked for 6 identification.) 7 Q. I'm not going to go through the whole thing. 8 A. Okay. 9 Q. Do you recognize this document? 10 A. Yes. 11 Q. What is that, sir? 12 A. County Board of Election Commissioners Procedures 13 Manual. It usually has a solid hard cover on it. It 14 doesn't look exactly like what I'm used to though. 15 Q. What's different about it? 16 A. I thought the law was included in this one. Okay. 17 Never mind. I'm confused. This is a different one that 18 I'm thinking. Okay. Go ahead. 19 Q. And you see the date at the bottom of the cover 20 page? 21 A. Yes. 22 Q. So this manual is from 2022? 23 A. Yes. 24 Q. So let's turn to page 13 of Plaintiff's Exhibit 3, 25 which is the page ending in Bates stamp 674.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Yes. 2 Q. And you said certifying results. Does that also 3 include canvass of the returns? 4 A. When you say, "canvass", I guess that's correct. 5 Q. So you canvass and then you certify? 6 A. Yes. 7 Q. So let's take a look at -- 8 A. Actually I'll go backwards. We actually have a 9 hearing the night that we're going to do the final 10 totals. So if you're calling that canvass, is that what 11 you're calling canvass? Tell me what your definition of 12 canvass is? 13 Q. Well, I think that's more of what I'm asking is 14 so -- 15 A. Because I don't use the word canvass. It's not 16 something that I'm used to. When you're asking canvass 17 what are you saying? 18 Q. Well, canvassing returns could mean a number of 19 different things. I think that's what I'm asking? 20 A. Okay. I don't know about canvass. 21 Q. Okay. 22 A. We actually totals results. 23 Q. Okay. 24 A. So if that's what you want to call canvassing, if 25 that's the same definition, then we canvass. But we go</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Okay. 2 Q. You see that page? 3 A. Yes. 4 Q. Okay. And if you look at the section that's 5 titled, Chair of the County Board. On page 13 the first 6 paragraph states, The County Board of Election 7 Commissioners meets in an organizational meeting by 8 February 28 in odd-numbered years to elect one member to 9 serve as chair. 10 A. Uh-huh. 11 Q. Did I read that correctly? 12 A. I think so. 13 Q. Who calls that meeting? 14 A. Chairman. 15 Q. So that would be you? 16 A. Well, I wasn't -- the first time it was I wasn't 17 chairman. So it was called by the previous, but yeah. 18 Q. When was that? 19 A. 2015. 20 Q. Okay. Then in paragraph 3 under the section 21 titled, Chair of County Board, it states, The chair 22 serves until the board is elected by the respective 23 county committees in January of odd-numbered years and 24 an organizational meeting held. The chair may serve 25 successive terms. Did I read that correctly?</p>

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1 A. Uh-huh, yes.
 2 Q. So you were elected or re-elected as chair this
 3 year?
 4 A. No, odd-numbered years.
 5 Q. So you were --
 6 A. Last year 2021.
 7 Q. You were re-elected last year?
 8 A. Yes.
 9 Q. And prior to February 28, 2023, you will call the
 10 meeting to elect the next chair or you will be
 11 re-elected?
 12 A. Yes. I may be re-elected or I may not be. We
 13 don't know. It's an election, so.
 14 Q. And how do you and the other commissioners
 15 typically communicate?
 16 A. By email.
 17 Q. Mostly by email. Do you communicate by phone or
 18 text message?
 19 A. Very seldom. We set it up so that, and this
 20 again, was something that one of the former
 21 commissioners suggested and we did this, if we send an
 22 email there's a record of it. And any email we send, a
 23 copy goes to the Jefferson County Election Commission
 24 email. So rather than us, if we do a FOIA or we get
 25 served or whatever, every email should be in that email.

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1 So we don't have to go searching for anything. So
 2 that's the way I call meetings. Now, if a coordinator
 3 does it, they can do it differently. But the only time
 4 I can remember anything text is somebody's late or
 5 something like that. And you say you're not here,
 6 what's going on or they'll text, but that's about it.
 7 Q. So you said if a coordinator does it, it could be
 8 that they could do it differently. How did that work?
 9 A. Yeah, because -- well, they can do whatever
 10 because they're not bound by the law that the Election
 11 Commission is. I can't have a meeting unless it's in
 12 public. So I don't ask any -- when I send an email, I
 13 said this is what we're going to do. So I don't say do
 14 you want to do this, I said this is what we're going to
 15 do. Whereas a coordinator could call and ask all the
 16 commissioners, hey, is this time okay.
 17 Q. I see. So when you email the other commissioners
 18 you email them essentially all together, or do you ever
 19 email individually?
 20 A. No, I email them all together.
 21 Q. Okay.
 22 A. And one to the Election Commission email too. And
 23 actually this year I'd been sending it to our
 24 co-coordinators too. The law changed and we were able
 25 to appoint coordinators for ourselves that work for us

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1 instead the county judge. So I can include them because
 2 all that information is sent to New York.
 3 Q. So who appoints poll workers?
 4 A. The commission.
 5 Q. So that's a majority vote or how does that work?
 6 A. I think we've been unanimous. But it's a majority
 7 vote. And the minority party commission get's to
 8 appoint one less than the majority. But as has been
 9 asked of me many times, how many do you appoint? I
 10 said, My coordinator does all of this. And I really
 11 don't worry about it. The commission looks at it. And
 12 when we have objections, we'll object. But our biggest
 13 problem is to find workers that are capable. And I've
 14 been asked what race are they? I said, I have no idea.
 15 That's not my prerogative. In fact, at one meeting I
 16 was asked, Well, that's racist. I said, Well, would you
 17 look at one of my co-coordinators who does that. That's
 18 Tameka Reed. And you're saying -- Tameka Reed. Because
 19 they figure out, because I don't do it. We have a hard
 20 time. That's why I want a coordinator to do all that
 21 work. And so she makes contact with those. And they --
 22 she and Sven Hipp do it together sometimes. Sven Hipp
 23 S-V-E-N H-I-P-P. And they'll work together. But
 24 they'll set up polls sites. And now at the meetings the
 25 commission will decide whether we're going to use it or

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1 not. But they'll go out and find places, or if there's
 2 a problem they'll bring it to the commission. And we'll
 3 hold a meeting. And I may hear from one of the
 4 coordinators that there's a problem. So then I'll call
 5 a meeting and we'll meet and discuss it and come up with
 6 a solution hopefully.
 7 Q. So the two people you mentioned, Sven and Tameka,
 8 can you say their full names, please?
 9 A. Tameka Reed, Sven Hipp.
 10 Q. And those are coordinators?
 11 A. That's correct.
 12 Q. Okay. And who was asking about the race of poll
 13 workers?
 14 A. One of the candidates. Actually I think one of
 15 the county judges prior asked some of that work too,
 16 some of that question. He asked if one of my people
 17 was -- With that name is he really black? I said, I
 18 don't know. You ask him. That's not a question I'm
 19 going to ask. He worked for me. I get along with him.
 20 So what difference does it make, you know. A lot of
 21 that goes on and there's questions like that.
 22 Q. So just to be clear. The election coordinators
 23 recruit the poll workers and the commission approves
 24 them?
 25 A. That's correct.

Page 30	<p>1 Q. Okay. Do you ever recall there being an objection 2 over a poll worker? 3 A. Oh, yes. 4 Q. Can you describe an example of -- 5 A. If we had problems with a poll worker at a poll 6 site, that they didn't do their job properly, things 7 like that, yes. 8 Q. So that would have been a person who wouldn't 9 necessarily have been selected or approved for the -- 10 A. They probably were -- if they were on the list 11 they probably would have been rejected by one of the 12 commissioners. 13 Q. Because of past -- 14 A. That's correct. 15 Q. So generally speaking, what do poll workers do, 16 what are their duties? 17 A. They set up the poll site, open the machines, 18 check in the voters, get the voters to the machines. 19 They make sure the ballots are correct in the tabulator. 20 Close the poll site. And then the judge, which is a 21 poll worker, brings the results to the Election 22 Commission Office for us to tabulate them on election 23 night. 24 Q. And how many poll workers are assigned to each 25 voting site?</p>	Page 32
Page 31	<p>1 A. It varies. But usually five, but up to seven or 2 eight, depending on the number of voters we've had as 3 historical numbers. 4 Q. And when in a cycle do you appoint poll workers? 5 A. As early as possible. But we get -- we have to 6 post it on the wall. People get to object if they see a 7 problem, for instance, if a candidate and a poll worker 8 are related, that becomes -- could be a problem. So it 9 has to be done I think 10 days I think before the 10 polls -- the election. 11 Q. At least 10 days? 12 A. I believe that's correct. And this is from 13 memory. I'm not reading any law so it -- but I believe 14 that's correct. 15 Q. Thank you. 16 A. And the same thing has to be done on early voting 17 workers, even though we don't appoint those, those are 18 by the clerk, but we still have to post that 19 information. 20 Q. I'm sorry. Early voting workers would be poll 21 workers at an early voting site? 22 A. That's correct. 23 Q. So you don't appoint those? 24 A. That's correct. 25 Q. Do you approve them?</p>	Page 33
	<p>1 A. No. 2 Q. That's all done by the county clerk? 3 A. County clerk. 4 Q. And you said poll workers are appointed before 5 each election? 6 A. Yes. 7 Q. How is the county clerk appointed? 8 A. County clerk is elected. 9 Q. It's an elected position? 10 A. Uh-huh. 11 Q. Do you know the duties of the county clerk? 12 A. I do not. 13 Q. What is your relationship to the county clerk? 14 A. She's the County Clerk and I'm Election Commission 15 Chairman. I don't know what else. You'd have to be 16 more specific. I don't have any relation I know. I 17 know her, that's all. I never knew her before she was 18 elected. 19 Q. I mean, officially the duties of your offices; how 20 would you describe the relationship? 21 MR. FORD: Object to form. 22 A. Pardon? 23 MR. FORD: I apologize. At some point 24 you're going to hear me say object to form. 25 Just ignore me and go on.</p>	
	<p>1 A. Okay. That's all right. 2 MR. FORD: It's a little bit of a weird 3 process. 4 A. That's okay. 5 BY MR. SNOW: 6 Q. And if you need clarification I can reask the 7 question too. 8 A. So the county clerk is -- and I've forgotten the 9 name now. But the data is entered by the county clerk. 10 So if somebody goes to a poll site, and their name is 11 not on our poll book or poll list or voter list, then we 12 call the County Clerk's Office to see if they've got it 13 listed, and what poll site they're actually supposed to 14 be, if they are listed. We submit their expenses. We 15 have in the past. I don't know that we're doing it this 16 year, their expenses for reimbursement for the general 17 for the -- excuse me -- for the primary election and a 18 primary runoff. I don't know. That's basically it. 19 Q. Thanks. That's helpful. How were absentee ballot 20 clerks appointed? 21 A. By the commission. 22 Q. The same as poll workers? 23 A. Yes. 24 Q. And what are the duties of the absentee ballot 25 clerks?</p>	

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1 A. Well, I've got some pictures on what I got on the
2 list. Can I refer to that?
3 Q. You can refer to it, yeah. And we can enter it as
4 an exhibit.
5 A. Well, it's in my phone.
6 Q. Okay. Sorry. What are these pictures of?
7 A. What we have pictured on our wall in the Election
8 Commission Office for the absentee voters who are poll
9 workers to follow by guide. I can just summarize it,
10 but it's easier for me to look at it.
11 Q. Sure, yeah, take a look. And would you mind
12 providing those after we get finished?
13 A. I can email them to you.
14 Q. That would be helpful. Thanks.
15 A. Take me a second to find them. And they're not
16 very clear, because I wasn't worried about doing that.
17 In fact, I think we took pictures of it and sent it off
18 with the data, at least that's my understanding of what
19 we were going to do.
20 Q. Thanks.
21 A. All right. So -- and I can't read the very top.
22 But it's processing and counting procedures for absentee
23 ballots. Please ensure you place the correct materials
24 in each of the four boxes. The ballot box in which only
25 ballots we will count are placed. The not counted box

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1 only for envelopes containing all returned materials of
2 ballots that do not qualify to be counted, with the
3 reason written on the envelope.
4 So this is part of what they do. The ballot
5 counted box for the ballot return envelopes containing
6 the voter application, photo ID and voter statement.
7 And that's what they do is -- the first thing they
8 do is sort all the returned absentee ballots, the
9 envelopes. And then they'll match up the name of the
10 return envelope with the corresponding voter
11 application. So we'll make sure we have an application
12 to go with the returned ballot. And we only process one
13 absentee ballot envelope at a time. Don't do more than
14 one. You never do that.
15 One canvass clerk opens the absentee ballot,
16 returned ballot and verifies its contents, and in the
17 contents there should be a voter statement, photo ID or
18 nursing home letter and absentee ballot envelope.
19 Because the ballot is sealed in an envelope inside this
20 general envelope. Because you can't look at the ballot
21 until it's already been approved to be able to. If the
22 voter statement, ID or nursing home letter and absentee
23 are in the outer absentee ballot, proceed to step 5,
24 otherwise the second canvass clerk, because there's
25 always two together so there's not one person doing

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1 this, opens the inner absentee ballot envelope to look
2 for the missing items, while the first canvass clerk
3 observes as a witness. If the missing item is in the
4 inner ballot envelope, remove it without looking at the
5 ballot and then staple shut the ballot envelope flap,
6 and both clerks initial it and proceed to step 5. And
7 excuse me, but I recently had Covid, so my voice is not
8 quite as clear.
9 Q. Please take your time.
10 A. I look at this because it's easier than trying to
11 remember it and say it wrong.
12 Q. Just to be clear, for the record, what exactly are
13 you reading from right now?
14 A. This is posted on our wall in the Election Office.
15 And this is for the absentee ballot processors to
16 follow.
17 Q. So this is a poster?
18 A. This is two posters actually.
19 Q. Two posters. Approximately how large are they?
20 A. 18 by 24 maybe.
21 Q. Inches?
22 A. Each, yeah.
23 Q. So this is a form of guidance for the absentee
24 ballot clerks?
25 A. It's guidance and they better do it this way.

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1 Q. And what is the source of this guidance?
2 A. From the Secretary of State.
3 Q. So these are --
4 A. This is not directly, I don't think it is. I
5 didn't do this. One of the former commissioners put
6 this up.
7 Q. So who produced the posters?
8 A. We did.
9 Q. The County Election Commission?
10 A. Yes.
11 Q. What was the basis for the instructions and that
12 guidance?
13 A. From the Secretary of State's information.
14 Q. Okay. And, to your knowledge, copies of these
15 posters have been provided to the Plaintiffs?
16 A. I think copies, yeah, pictures or whatever, yes.
17 Q. Okay. Thanks.
18 A. I think so. Step 5. If the voter failed to
19 return the voter statement, and it is not found in the
20 ballot envelope, the ballot is not counted. Put
21 everything back into the absentee return envelope,
22 staple the flap, and write no voter statement on the
23 outer envelope. Place it into the uncounted box. If
24 the photo ID or nursing home letter is not found in the
25 ballot envelope, or the optional verification of -- and

<p style="text-align: right;">Page 38</p> <p>1 this is wrong because there's no optional verification 2 of identify affirmation statement now. This was prior. 3 Was not signed and everything put back in the absentee 4 ballot and give it to the team leader who will create a 5 provisional absentee ballot. So that's what we do. 6 So if there is a voter statement and photo ID or 7 nursing home letter, or the voter sign the optional 8 verification. And that, again, the law changed, so that 9 optional verification is not true anymore. 10 Q. I'm sorry. Can you clarify that last point? 11 A. Okay. Voter verification was where we went crazy 12 and decided anybody could sign that they say they were 13 who they said they were. And the law changed back to -- 14 or changed to you needed voter ID to prove who you were. 15 Q. So the poster you're reading from is -- 16 A. Is older. So it still has that information about 17 verification. 18 Q. Okay. 19 A. But they know that's not true. 20 Q. So do you know when the poster you're reading from 21 was created? 22 A. I do not. But I'm going to say probably '19. 23 Q. 2019? 24 A. Yes. 25 Q. Thank you.</p>	<p style="text-align: right;">Page 40</p> <p>1 envelope in the ballot box. Place any runoff ballots 2 from overseas voters that may be also in the return 3 envelope into the ballot box. Place the ballot 4 application and voter statement in the absentee ballot 5 return envelope and place the envelope in the counted 6 box. 7 Q. We before you go on, let me just ask a quick 8 question. I believe that you read there was guidance 9 that said you should give, the absentee ballot clerk 10 should give reasonable accommodation to the signature 11 match of older voters; is that correct? 12 A. Uh-huh, that's correct. 13 MR. FORD: Object to form. 14 Q. Can you reread that guidance from the poster, 15 please? 16 A. Give reasonable accommodation to the signature 17 matches of older voters. 18 Q. And what's the source of that instruction? 19 A. The commission. 20 Q. The county commission? 21 A. The county commission. I think it's probably 22 Secretary of State also, but I don't know that for a 23 fact. But I know the commission, because the commission 24 has the authority to determine signature matches. 25 Q. So is it the county commission?</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Okay. 2 Q. But this is the poster that's currently on the 3 wall -- 4 A. That is correct. It's not been changed. That's 5 the only difference. 6 Q. Just for the record, let me finish the question. 7 A. Sorry. 8 Q. This poster you're reading from is the current 9 poster that's currently posted on the wall that's 10 providing guidance to the -- to the absentee ballot 11 folks? 12 A. That's correct. 13 Q. Okay. 14 A. All of the ballot clerks have been informed though 15 that the law changed. And there were some questions 16 right before the election. I think there was a lawsuit 17 about the voter ID, if I remember correctly. So 18 therefore there wasn't a new one prepared. 19 Q. Okay. 20 A. Step 6. Both canvass clerks then compare the 21 name, address, date of birth, and signature on the 22 voter's absentee application with the voter's statement 23 from the envelope. Give reasonable accommodation to the 24 signature matches of older voters. If both canvass 25 clerks agree the four items match, place the ballot</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Yes. 2 Q. So this is guidance produced by the county 3 commission? 4 A. Well, the whole poster was produced by us. 5 Q. Are you aware of the source of the guidance -- 6 A. I am not. 7 Q. Sorry. Are you aware of the source of the 8 guidance that reasonable accommodation should be given 9 to the signature match of older voters? 10 A. I am not. 11 Q. What would be, in your opinion, what would be the 12 reason for that guidance? 13 A. Because older people have a hard time signing 14 their name. 15 Q. And what's the basis for that determination? 16 A. Personal observation of the commissioners. 17 Q. Are there other voters who have trouble signing 18 their name? 19 A. Possibly. Do they have as much trouble as older, 20 I don't know. I'm getting older, so I have to say 21 deference to older voters is probably correct. 22 Q. And when you say, "older voters have difficulty 23 signing their name," what do you mean by that? 24 A. They don't often repeat their significant closely. 25 They have problems doing that. It's not uncommon to see</p>

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1 somebody in their eighties or nineties and their
 2 signature looks rather strange.
 3 Q. So that is to say that their signature is
 4 inconsistent across different times that say sign
 5 something?
 6 MR. FORD: Object to form.
 7 A. I don't know if it's inconsistent. They're not
 8 exactly the same. But they're not -- we're not
 9 handwriting experts. But we're trying to make sure that
 10 we are as fair as we can be.
 11 Q. So how would the absentee ballot clerk provide a
 12 reasonable accommodation to the older voter for the
 13 signature match; how would that work?
 14 A. They look at those. And if they look similar,
 15 they count them.
 16 Q. So when the absentee ballot clerk is comparing
 17 signatures, and they notice that there might be a
 18 difference, how did they then give -- how do they then
 19 give a reasonable accommodation to older voters
 20 specifically?
 21 A. If the signature looks like it's further away,
 22 they'll look at their age, and then they will try to
 23 make a decision looking at the rest of the handwriting
 24 on the voter application.
 25 Q. So once they've determined that there may be a

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1 difference in the signature match, they then look at the
 2 age of the voter?
 3 A. I think that's true, yes.
 4 Q. And how would they determine what constitutes an
 5 older voter?
 6 A. I don't know. Older than themselves. Maybe older
 7 than the general population. Who do you consider older?
 8 Am I older?
 9 Q. So I guess that helps answer the question, but
 10 just to be clear. So there's no -- the County Board of
 11 Election Commissioners provides this guidance that you
 12 read to give reasonable accommodation to the signature
 13 match of older voters, but doesn't provide guidance on
 14 what constitutes an older voter?
 15 A. I think generally most people know who older
 16 people are.
 17 Q. But the commission doesn't provide guidance on
 18 that?
 19 A. Well, if they decide that it's not close enough,
 20 then the commission gets to decide on their own as a
 21 provisional ballot.
 22 Q. So let's talk a little bit more about that
 23 process. So --
 24 A. I want to go back to absentee before you finish
 25 that.

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1 Q. Okay.
 2 A. I want to finish that part. Because I just
 3 thought of something. Generally there's going to be
 4 during the absentee ballot, canvass processor, whatever
 5 you want to call it, there's going to be a commissioner
 6 or a coordinator or a supervisor of those people there.
 7 And those questions will go to that person to help
 8 decide that. And I've been asked questions like that
 9 when I've been there, not necessarily just on that, but
 10 other questions about a ballot.
 11 Q. What kind of questions have you been asked about a
 12 signature match specifically?
 13 A. I don't know about the signature match. I can't
 14 recall them off-hand.
 15 Q. What were some of the other kinds of questions you
 16 were --
 17 A. I don't remember the questions. I just know
 18 questions come up. And it's during that time that it's
 19 pretty busy. And you look at it and you make the best
 20 decision you can. And maybe this should be a
 21 provisional ballot or do we count it or something like
 22 that. So you make a judgment call.
 23 Q. And so these questions are coming from the
 24 absentee ballot clerks themselves?
 25 A. That's correct, or the supervisor.

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1 Q. Or the supervisor. So they can come directly from
 2 the clerks themselves or the supervisor?
 3 A. Well, if you're right there over them, then you
 4 might see it happen. Otherwise, it would probably come
 5 from the supervisor.
 6 Q. And so when you say "you" you mean yourself?
 7 A. Myself or another commissioner or a coordinator.
 8 Q. So you typically or frequently observe the
 9 counting of absentee ballots?
 10 A. Frequently, yes.
 11 Q. One or more commissioners?
 12 A. Yes. It depends on what else is going on on that
 13 day.
 14 Q. So do you recall specifically being asked a
 15 question about a signature match with an older voter?
 16 A. I do not.
 17 Q. Before we continue with the poster. Does the
 18 commission instruct absentee ballot clerks to provide
 19 reasonable accommodation to any other kinds of voters
 20 besides older voters?
 21 A. Not that I can recall.
 22 Q. Does the commission provide guidance to or
 23 instruction to absentee ballot clerks to give reasonable
 24 accommodation to disabled voters?
 25 A. No, because you don't know if they're a disabled

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1 voter or not on an absentee ballot. So there would be
 2 no reason to do that.
 3 Q. Is one of the reasons why a voter in Arkansas can
 4 request an absentee ballot is if they are disabled?
 5 A. I don't think there has to be any reason to ask
 6 for an absentee ballot.
 7 Q. Does the commission instruct absentee ballot
 8 clerks to provide a reasonable accommodation in the
 9 signature match of younger voters?
 10 MR. FORD: Object to form.
 11 A. I'm not aware of any. That doesn't mean they're
 12 not. I don't know.
 13 Q. To your knowledge, does a person's signature
 14 change over time?
 15 A. Absolutely.
 16 Q. And what's the basis for that determination?
 17 A. For it changing?
 18 Q. What's the basis for your knowledge of that?
 19 A. Mine has change. I see a lot of signatures every
 20 day. In my business I happen to see signatures all the
 21 time.
 22 Q. And is that change in a person's signature over
 23 time specific to their age?
 24 MR. FORD: Object to form.
 25 A. I don't know how you quantify that. I think the

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1 signature of a two year old is going to be different
 2 than an 80 year old. So yes, maybe so if you use that
 3 criteria.
 4 Q. Do younger people's signatures change more
 5 frequently or less frequently than older people?
 6 A. I don't have any idea.
 7 MR. FORD: Object to form.
 8 Q. Do you know the reason why the County Board of
 9 Commissioners decided to provide guidance that older
 10 voters should be given a reasonable accommodation in a
 11 signature match, but not other kinds of voters?
 12 MR. FORD: Object to form.
 13 A. Yeah. Because at commission meetings when we're
 14 going through provisional ballots, we inspect those
 15 signatures to see. And often you can tell and you look
 16 at the signature and it's -- it looks like it's been
 17 strained or whatever the question, whatever the
 18 statement. And then look at the age of the voter. And
 19 you say, Well, this person is so and so. And so we saw
 20 that in practice, so we just decided to do that. And
 21 we'd see less provisional ballots if we gave the
 22 absentee clerks that authority.
 23 Q. Which authority?
 24 A. To look at their age and see about the signature.
 25 Because we're not handwriting experts. We don't make

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1 sure they're exactly the same. We just look at the
 2 overall. And you can -- there are enough differences.
 3 You can tell if somebody signed left-handed or
 4 right-handed or things like that. And then you have a
 5 voter ID, and you have a signature on that also. So you
 6 have some other information. But you don't have any
 7 information about whether they're handicapped.
 8 Q. So, to your knowledge, this guidance specific to
 9 older voters was provided because of observation,
 10 through observation, it was typically older voters whose
 11 signatures were a little bit --
 12 A. I don't know if it came out of Secretary of State
 13 or I don't know if it came out of just our decision. I
 14 don't know.
 15 Q. But in your experience, older voters often have
 16 differences in their signatures?
 17 A. That's correct.
 18 Q. And these are differences that normally would --
 19 scratch that. Sorry.
 20 The differences that you're referring to are
 21 differences that might lead to the disqualification of a
 22 ballot or refusal to count a ballot, except that with an
 23 older voter there's a reasonable accommodation given to
 24 that voter?
 25 MR. FORD: Object to form.

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1 Q. Is that correct?
 2 A. I guess that's possible. You know, you have, in
 3 ours we have six different canvass teams. So you're
 4 looking at all of those. And each one of those people
 5 are different. And you're trying to be sure that the
 6 person voting is the person who they say they are, but
 7 on the other side of that, you want to make sure that
 8 everybody has a chance to vote. And you don't want to
 9 be too strict on a signature quote "match". And I don't
 10 know that there's an age limit, because I know what the
 11 commission looks at it, we'll look at that, but we
 12 don't -- the signatures don't have to be exactly the
 13 same. That's not what it says. They have to be
 14 similar, I think is the word it uses. So I guess that's
 15 a possibility but that's -- it's just easier when you
 16 say that, because then all of the absentee voter clerks
 17 know that, okay, well, it's easier to look at that, we
 18 don't need to -- if they're older we can give them a
 19 little bit more leeway, I guess is the word.
 20 Q. Okay. I'm trying to understand the actual effect
 21 of the reasonable accommodation in the signature
 22 matching process. So you would say that in Jefferson
 23 County older voters are given a little bit more leeway
 24 than younger voters when matching the signatures?
 25 MR. FORD: Object to form.

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1 A. Yeah. I would think that's probably true in all
 2 75 counties. I can't verify because I haven't been in
 3 those other counties, but I would think so.
 4 Q. So you said that you didn't know the source of
 5 this guidance?
 6 A. I do not.
 7 Q. Do you know if other counties provide similar
 8 kinds of guidance to their absentee ballot clerks?
 9 A. I do not.
 10 Q. Do you ever talk to any of the county
 11 commissioners about their absentee voting process?
 12 A. I can't recall doing that. A former commissioner
 13 used to do that regularly. He was the go-to guy in the
 14 state.
 15 Q. And who was that?
 16 A. Stuart Soffer.
 17 Q. And when was he a commissioner?
 18 A. Up until two years ago. I think '21 was his last
 19 time.
 20 Q. So Stuart Soffer would communicate with other
 21 county commissioners in other counties about their
 22 absentee voting process?
 23 A. Well, they would call him for information.
 24 Q. What kind of information?
 25 A. Anything that had to do with elections.

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1 Q. Including absentee ballots?
 2 A. Anything to do with elections.
 3 Q. And he would provide advice or guidance?
 4 A. I believe so, yes.
 5 Q. To other county commissioners?
 6 A. Yes.
 7 Q. So let's turn back to the poster. And if you
 8 wouldn't mind starting reading through it again starting
 9 just before the guidance on reasonable accommodation for
 10 older voters for signature matching.
 11 A. Both canvass clerks then compare the name,
 12 address, date of birth, and signature on the voter's
 13 absentee application with the voters statement from the
 14 envelope. Give reasonable accommodation to the
 15 signature matches of older voters. If both canvass
 16 clerks agree the four items match, place the ballot
 17 envelope in the ballot box. Place any runoff ballots
 18 from overseas voters that may also be in the return
 19 envelope into the ballot box. Place the ballot
 20 application and voter statement in the absentee ballot
 21 return envelope, and place the envelope in the counted
 22 box. If any one item, name, address, date of birth,
 23 does not match, or signature does not compare between
 24 the ballot application and voter statement, write the
 25 reason on the ballot return envelope, put everything

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1 into it, staple and place it into the uncounted box. If
 2 the decision is not a clear one and the team leader
 3 cannot make the determination, the ballot is referred to
 4 the Election Commission. Write the reason on the outer
 5 return envelope, place all documents inside, and place
 6 the envelope in the election commission box. Designated
 7 bearers, agents and administrators. These are people
 8 who pick up and return absentee ballots for voters.
 9 Compare the name and address of the bearer, agent, or
 10 administrator written on the absentee ballot return
 11 envelope with the information on the voter statement.
 12 If the information is missing from the envelope or does
 13 not match, i.e, the name on the envelope is not the same
 14 as on the voter statement, turn the ballot over to the
 15 team leader to become a provisional ballot. If the
 16 voter statement does not authorize a bearer, agent, or
 17 administrator to receive or return the absentee ballot,
 18 and the envelope indicates one returned the ballot, turn
 19 the ballot over to the team leader to become a
 20 provisional ballot. The processing of absentee ballots
 21 is open to the public without comment or interruption
 22 from behind the yellow chain. A credentialed poll
 23 worker -- excuse me -- a credentialed poll watcher must
 24 remain 6 feet from the table and not handle any items.
 25 They are entitled to hear the absentee voter's name

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1 being read for the voter list. A poll watcher can only
 2 challenge a voter's eligibility before a voter's name is
 3 written on the list. If a poll watcher challenges it
 4 becomes a provisional ballot. A candidate has no
 5 standing and is the same as the public. Refer all
 6 questions to the election administrator. If in doubt,
 7 ask before acting.
 8 Q. Is that the end?
 9 A. That's the end.
 10 MR. SNOW: Thank you. And would you mind
 11 if I just take a quick look at the document
 12 you're reading from. Thank you. Counsel,
 13 please feel free to review as well. Do you
 14 want to take a look?
 15 MR. FORD: Yes.
 16 MR. SNOW: So I'm not aware of us
 17 receiving this document. I could be wrong and
 18 we'll double check. But I think if we don't
 19 have it, we're definitely going to need it.
 20 A. No problem.
 21 MR. SNOW: For the record. And thank you
 22 for taking the time to read from it in advance
 23 of the question.
 24 A. Yeah, no problem.
 25

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1 BY MR. SNOW:
 2 Q. I did have one more question about one of the
 3 parts you read. And that's the process by which it
 4 becomes a provisional ballot. Can you talk a little bit
 5 more about that process?
 6 A. Sure. If there are any items that do not match or
 7 correspond or compare, it becomes a provisional ballot.
 8 That's basically what it is. So there are four items
 9 that need to match or compare. Signature compares,
 10 everything else matches. And if they don't, then you
 11 turn it into a provisional ballot to let the commission
 12 decide.
 13 Q. And when you say, "you", you mean the absentee
 14 ballot clerk?
 15 A. Well, the administrator. So the clerk will do
 16 that, and then the administrator will follow up, I
 17 guess.
 18 Q. So briefly from the point at which an absentee
 19 ballot clerk or you said there's two that always do
 20 this?
 21 A. There's always two. No one person handles any
 22 ballot by themselves.
 23 Q. Okay. From the point at which the two absentee
 24 ballot clerks determine that one or more pieces of
 25 information is missing or doesn't match, what happens

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1 next?
 2 A. I believe they contact their administrator. And
 3 then all of that goes in the procedure just like it says
 4 on there, and they put it in a provisional ballot
 5 envelope.
 6 Q. Can you read that section just again just so we're
 7 clear on what we're talking about?
 8 A. If any one item, name, address, date of birth,
 9 does not match, or signature does not compare between
 10 the ballot application and voter statement, write the
 11 reason on the ballot return envelope, put everything
 12 into it, staple and place it into the uncounted box. If
 13 the decision is not a clear one, and the team leader
 14 cannot make the determination, the ballot is referred to
 15 the Election Commission. Write the reason on the outer
 16 return envelope, place all documents inside, and place
 17 the envelope in the Election Commission box.
 18 Q. So quick question on that. So if there's a
 19 question about whether there's a piece of information
 20 that's missing or it doesn't match, that question goes
 21 immediately to the commission to be resolved?
 22 A. It goes to the administrator. And the
 23 administrator gets a chance to resolve it. If they
 24 can't, then it goes into a provisional ballot. And the
 25 commission will meet the next evening to determine all

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1 the provisional ballot situation. And if any of them
 2 are resolved at that time, that's taken care of. Any
 3 that are not resolved are sent a letter notifying them.
 4 And they were already -- if it was a provisional ballot
 5 before, then they already got this information. But
 6 there will be a hearing. And the hearing date has
 7 already been set before we have election day. And it's
 8 generally about eight to ten days after the election
 9 day. So the election is on Tuesday. Our meeting will
 10 be Wednesday. And we'll send out letters and that
 11 information is all available now, and a letter is sent
 12 out the next day to anybody that has a provisional
 13 ballot. And they are told that if they didn't have
 14 voter ID they can cure their voter ID by taking a copy
 15 of their ID to the Clerk's Office before noon on the
 16 following Monday, or if it's something else, then they
 17 can come to our hearing which will be before the
 18 commission. The voter ID has to be cured by noon on
 19 Monday, but any other reason that it's provisional can
 20 go to the commission for a determination.
 21 Q. And that hearing typically takes place 8 or 10
 22 days after the election?
 23 A. That's correct.
 24 Q. After election day?
 25 A. This last one was a Thursday after the Tuesday.

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1 So it was nine days.
 2 Q. And what's the latest that that can take place?
 3 A. It would have been Friday, because that's the day
 4 we have to certify the election. So we try to do it
 5 either the day before or the last day to certify.
 6 Q. And that would be the Friday two weeks after the
 7 election?
 8 A. Well, it was -- it depends on holidays and all
 9 that other stuff.
 10 Q. I see.
 11 A. But yeah.
 12 Q. And what takes place at this hearing?
 13 A. Anybody that wants to give us information on why
 14 they should have their ballot counted can do that.
 15 Q. And that's for any type of provisional ballot?
 16 A. Anything except voter ID.
 17 Q. Voter ID needs to be cured the Monday after the
 18 election?
 19 A. That's correct.
 20 Q. So at the hearing a voter who has a provisional
 21 ballot, either from election day ballot, early ballot or
 22 an absentee ballot that was converted into a provisional
 23 ballot?
 24 A. Early, absentee or election day, all of them, any
 25 of them.

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1 Q. Any provisional ballot of any type. And does the
 2 letter have to appear at the hearing or can they provide
 3 that information --
 4 A. No, they have to appear at the hearing. Yes.
 5 Providing information, that's voter ID, you can do that.
 6 But it's hard to provide information on something else.
 7 We give them a reason of not counting their ballot, but
 8 we can't tell them what they're going to be able to do
 9 to cure it. And we have had people come and we've had
 10 some approved that we didn't think would be. So you
 11 just don't know.
 12 Q. For example, in the case of a signature mismatch,
 13 what would the voter have to do to cure their ballot in
 14 that case?
 15 A. Well, let's see. The signature mismatch. I don't
 16 think we've had one of those. I think if they came up
 17 and signed their name, and we saw their voter ID and
 18 their signature, and it matched, that would take care of
 19 that.
 20 Q. So they would have to come and sign some piece of
 21 paper?
 22 A. I think that would be a reasonable. How else am I
 23 going to know. If you bring something up, maybe it's
 24 certified, it's possible that this is your signature.
 25 But that doesn't mean we know it's exactly the right

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1 thing or we didn't see you. So if they come up in front
 2 of us, they're going to probably be under duress and
 3 they're probably going to sign it hard, it's going to be
 4 harder to do. So we're going to look at that. But I
 5 don't -- I don't remember having any of those, to tell
 6 you the truth. We don't reject a lot for signature
 7 mismatches. You know, if it's obvious, and you send
 8 them a hearing letter, they don't show up. It's kind of
 9 like the person that shows up with a Texas voter ID that
 10 registered that uses it for their ID. That's pretty
 11 hard to -- how you going to cure that. It has to be a
 12 state ID, and you got a Texas driver's license or a
 13 Tennessee driver's license. They typically won't show
 14 up for a hearing.
 15 Q. But just in your experience, you don't recall any
 16 voter who had a signature mismatch issue showing up to
 17 the hearing to cure their signature mismatch?
 18 A. I don't think that -- we have so few signature
 19 mismatch problems anyhow. I think that's a -- our
 20 biggest problem is people that didn't register to vote,
 21 registered to vote on voting day, election day. None of
 22 those people are eligible. They moved out of our area
 23 and they're registered somewhere else. And you're going
 24 to have a hard time curing that one if you registered
 25 somewhere else.

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1 So I just -- signature mismatch is just not
 2 something that's very common.
 3 Q. But if a voter who had a signature mismatch were
 4 to cure their signature mismatch issue, they would have
 5 to show up at the hearing and sign some piece of paper?
 6 A. Well, I don't know if they would have to sign.
 7 That would be up to the commission. I'm sorry. Go
 8 ahead.
 9 Q. I appreciate it. Let me just finish the question
 10 just so it's clear on the record.
 11 So if the person who had a signature mismatch were
 12 going to cure their signature mismatch and have their
 13 ballot counted, they would have to show up to the
 14 hearing, and then sign a piece of paper or other
 15 document in front of the commission, and then the
 16 commission would verify that signature the same as it
 17 would verify a match between other versions of that
 18 person's signature?
 19 MR. FORD: Object to form.
 20 A. Okay. We're doing a hypothetical. Because I
 21 don't know. That's not happened. And I gave you my
 22 opinion. But I'm only one commissioner. There are
 23 three of us. And all three of us have to determine what
 24 this person would have to do. So I can't tell you that
 25 for sure. That's only what I think would be. You asked

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1 me that question of me. So that's what I was answering.
 2 Q. That would make sense to you, as far as the
 3 process for curing the signature is concerned?
 4 A. At this point, you know.
 5 Q. But another commissioner could have a different
 6 idea about what --
 7 A. Yeah, absolutely.
 8 Q. Sorry. Another commissioner could have a
 9 different idea about how a voter would cure a signature
 10 mismatch?
 11 A. Yes.
 12 Q. And how would you resolve it if there was a
 13 difference in opinion among the commissioners about how
 14 a voter could --
 15 A. We vote. That's what the commission does, we
 16 vote.
 17 Q. Okay. You would vote on a process for how a voter
 18 would cure a signature mismatch?
 19 A. We'd vote whether it's approved to vote or
 20 approved to discuss the ballot or not. I think we would
 21 discuss it. I don't know that we'd -- maybe we'd vote
 22 on it. I don't know. It would be something that the
 23 commission, and this particular commission, we've been
 24 working very well together. In previous years that
 25 wasn't always the case. But each commissioner can say

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1 whatever they want to say about it. And the other two
 2 commissioners listen. And if something else is
 3 submitted or stated that sounds better, I don't know
 4 that we would do a formal vote unless it was
 5 contentious. Then you would maybe have to vote to say
 6 this is what we're going to do. I think we'd just
 7 listen to whatever the voter has to say is what we'd do.
 8 And whatever the voter came up with, if it was
 9 reasonable, we'd go with that. Because we're not going
 10 to -- we may ask a question or something like that.
 11 We're not going to go through a big thing I would think.
 12 This is just what I'm thinking right now. And again,
 13 it's only me. Anybody here for a hearing. Yes. Okay.
 14 State your name, please. Okay. Would you step up here.
 15 Okay. So we'd pull out their envelope and we look at
 16 the reason it was turned down. And okay, can you give
 17 us information as to why we should accept this. And
 18 again, I don't remember doing this. Your signature
 19 didn't seem to compare. So can you help us with that?
 20 I don't think -- what I'd do specific and see what they
 21 have to say and then go from there. We're just three
 22 people. So we're right there. We're pretty close. I
 23 don't think that's -- that's just not something that
 24 happens. So I don't know. I'm just again hypothetical.
 25 Q. Thank you. This is helpful. So if a voter were

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1 to show up at the hearing and state the reason, you find
 2 their ballot and the reason is for a signature mismatch.
 3 Would the voter be able to -- scratch that.
 4 So you mentioned that the majority of the issues
 5 that result in a provisional ballot are voter
 6 registration issues and ID issues specifically; is that
 7 correct?
 8 A. I believe that's correct.
 9 Q. Specifically with the absentee ballots that become
 10 provisional ballots for one of those four reasons, what
 11 were the four reasons again; signature match?
 12 A. Yeah.
 13 MR. FORD: Object to form.
 14 A. Name. I don't know. I'd have to look.
 15 Q. That's fine.
 16 A. Too many questions today.
 17 Q. No, I appreciate it. We can take a break too if
 18 you want.
 19 MR. FORD: After your question it's
 20 probably a good time for a break.
 21 MR. SNOW: Sure. Let's just get through
 22 this process.
 23 A. Well, I'm sorry. I'd have to read the whole
 24 thing. Well, I'm sorry. I can't find it.
 25 BY MR. SNOW:

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1 Q. Okay. We can come back to that. But just the
 2 process question that I had.
 3 A. Right.
 4 Q. For absentee ballots that become provisional
 5 ballots.
 6 A. Absentee ballots. I'm sorry. I'm going to
 7 interrupt you, because you asked the question before.
 8 And absentee ballots will not have a problem of voter
 9 registration, because they're qualified. And I don't do
 10 this. This is the Clerk's Office, so that's why I
 11 wasn't thinking about it. The Clerk's Office verifies
 12 before they ever send them a ballot that they are. So
 13 that's not a question on that situation. I hope that
 14 answers some of those.
 15 Q. Sure. Absolutely, yeah, that would have to be
 16 verified before the ballots are sent. So just before we
 17 take a break, I wanted to ask one more question about
 18 the absentee ballot clerk process. You mentioned that
 19 there's some of the ballots, absentee ballots go into a
 20 do not count box?
 21 A. Yes.
 22 Q. And others go into a box for the County
 23 Commission?
 24 A. Well, actually if they do not count they actually
 25 all become provisional.

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1 Q. Okay.
 2 A. They're just separating them. And then they turn
 3 them over to the leader, who then puts them in a ballot,
 4 provisional ballot envelopes.
 5 Q. Okay. So there are two different boxes or more?
 6 A. There's four boxes all together. And I don't
 7 remember exactly. But counting applications, because
 8 once you determine a ballot is going to count you put it
 9 in one, you put the application and that information in
 10 a separate box. Then you put in a do not count and then
 11 the provisional ballot box, I believe.
 12 Q. But the do not count box, they all become
 13 provisionals?
 14 A. That's correct.
 15 Q. So all of the absentee ballots will have a
 16 secondary round of review, except for the counted ones;
 17 is that correct?
 18 A. Yes. If they're turned down they will be -- will
 19 go in front of the commission, absolutely. And some of
 20 the questions that I saw in here didn't make sense to
 21 me, because everybody gets a chance to have a hearing
 22 except for voter ID, and voter ID, they can cure that
 23 very easily. And unlike having to take it to the
 24 Clerk's Office we've done this, you can email it to us.
 25 If I have the ID, if you email me a copy of your ID,

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1 I've got it. And that's what I would have in the
 2 application with the application and the ballot. So
 3 it's the same thing you would have done. I would have a
 4 paper copy, and I have it. And there it is and the
 5 information on there matches the ID and address and all
 6 that stuff. So that's very simple. I don't know. I
 7 assume the clerk would do it. But we accept it by
 8 email. That's not a problem. And again, it has to be
 9 there by noon on Monday.
 10 Q. So if a voter who has a provisional ballot because
 11 of a voter ID issue, provides a copy of their photo ID
 12 by email before Monday, after election day their ballot
 13 would be counted?
 14 A. Their ballot is cured immediately.
 15 Q. Okay. Could a voter provide an image of their
 16 signature by email; would that cure their signature --
 17 A. I don't see how that would, because we wouldn't
 18 know they signed it, anymore than we knew the other.
 19 Q. Could a voter email a video of them signing a
 20 document; would that cure the signature match issue?
 21 MR. FORD: Object to form.
 22 A. I don't know. You're asking so many
 23 hypotheticals. And it's never come up, so I don't know.
 24 Q. That would be determined by the commission whether
 25 that would be sufficient?

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1 MR. FORD: Object to form.
 2 A. Yes.
 3 Q. Sorry. Yes, it would be determined by the
 4 commission?
 5 A. Yes.
 6 MR. SNOW: Okay. Thank you. Let's take
 7 a break.
 8 MR. FORD: Sure.
 9 THE VIDEOGRAPHER: We're going off the
 10 record. The time is approximately 10:25 a.m.
 11 (A recess was had.)
 12 THE VIDEOGRAPHER: We are back on the
 13 record. The time is approximately 10:45 a.m.
 14 BY MR. SNOW:
 15 Q. Thank you very much. So earlier you mentioned
 16 some of the roles between the absentee ballot clerk and
 17 absentee ballot supervisor. Is that the term you used?
 18 A. Administrator, supervisor, whichever.
 19 Q. Coordinator?
 20 A. Coordinator, no, that's a different position.
 21 Q. Okay. So what does the election coordinator do?
 22 A. The job of election coordinator is not defined by
 23 law. It is whatever the Election Commission tells that
 24 person to do.
 25 Q. I remember you mentioned that they help schedule

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1 meetings and whatnot?
 2 A. Well, in my case they don't.
 3 Q. Okay.
 4 A. But they could.
 5 Q. In Jefferson County do they have any role in the
 6 absentee ballot counting process?
 7 A. They train those people.
 8 Q. Which people?
 9 A. The absentee ballot clerks and administrator.
 10 Q. Okay. And, well, that actually works on the next
 11 section in my notes. Let's turn to the next page of
 12 Plaintiff's Exhibit 3, which is page 14, Bates stamp
 13 ending in 675. And under the first section of this page
 14 titled, Qualifications, it states that to serve on the
 15 County Board of Election Commissioners a commissioner
 16 must. And then the fourth and fifth bullets states,
 17 Attend election training conducted by the State Board of
 18 Election Commissioners prior to regularly scheduled
 19 preferential primary election, and attend additional
 20 interim training, if deemed necessary and appropriate by
 21 the State Board. Did I read that correctly?
 22 A. Yes.
 23 Q. Okay. Are you familiar with this qualification?
 24 A. I am.
 25 Q. Has this always been the case, has this always

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1 been the qualification?
 2 A. No, I don't believe so.
 3 Q. Do you know when that changed?
 4 A. I don't know. I've been getting training since
 5 I've been on. So I don't know when it changed. But I
 6 don't think the law required it before. But I think the
 7 State Board did it anyhow.
 8 Q. So since you've been a commissioner, that's been
 9 the requirement, that's been the guidance?
 10 A. I don't know that -- I don't know that the law
 11 required it, but it was the guidance, yes, absolutely.
 12 Q. So did you attend training prior to the 2020
 13 election?
 14 A. Absolutely.
 15 Q. And did you attend training prior to the 2018
 16 election?
 17 A. I think so, but I don't remember for sure.
 18 Q. Okay. Let's turn to page 19 of Plaintiff's
 19 Exhibit 3, which is the Bates stamp ending in 680. And
 20 the first section is titled, Notification. And it
 21 states, The chair of the County Board of Election
 22 Commissioners must notify each member of the County
 23 Board of all meetings. Did I read that correctly?
 24 A. Yes.
 25 Q. And so do you do that?

<p style="text-align: right;">Page 70</p> <p>1 A. Absolutely. I already stated that I sent out an 2 email. 3 Q. You send an email to all the commissioners? 4 A. That's correct. And I also include the 5 coordinators in that email now. 6 Q. And then the next section is titled, Quorum. It 7 states that two members of the County Board of Election 8 Commissioners shall constitute a quorum. Did I read 9 that correctly? 10 A. Yes. 11 Q. And you're familiar with that rule? 12 A. Yes. 13 Q. And then the third section states, Voting. Each 14 member of the County Board of Election Commissioners has 15 one vote, and two concurring votes shall decide any 16 question before the County Board, unless a unanimous 17 vote is otherwise required by law. Did I read that 18 correctly? 19 A. Yes. 20 Q. And you're familiar with that rule? 21 A. Yes. I think I stated that before. 22 Q. Good to have it verified here. Do you and the 23 other two commissioners have responsibility over the 24 absentee ballots -- I know we got into some of this 25 already but --</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Oh, I see. 2 A. That one and the hearing are the same thing. 3 Q. So you need to have two to have a quorum? 4 A. That's correct. 5 Q. And does that same rule apply to the review of 6 provisional ballots? 7 A. Yes. 8 Q. So let's take it step-by-step. So in the initial 9 review of absentee ballots, who all was present for that 10 review? 11 A. The initial review. 12 Q. Just the two absentee ballot clerks? 13 A. There's actually 12. Like I said, there's six 14 teams. They work with teams, so there's two. So 15 there's six teams. There's 12 people, plus the 16 administrator. 17 Q. And there's one administrator? 18 A. That's correct. So there's 13 people. And then 19 there could be, but not necessary, coordinators or 20 commission members. 21 Q. Okay. 22 A. And the public can watch them. And poll watchers 23 can be there also. A candidate could be there also, but 24 only as public. They have no additional standing. 25 Q. And so all of the absentee ballots are divided up</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Responsibility. But we're responsible for every 2 ballot, so yes. 3 Q. Okay. And again, I know we got into this a little 4 bit more, but if you could run us through what those 5 responsibilities are in general terms? 6 MR. FORD: Object to form. 7 Q. I'll be clearer. How do you describe the 8 commissioners' responsibilities over the absentee ballot 9 provision? 10 A. I think that's too broad a question. I think I 11 answered it already. We're responsible for every 12 ballot. 13 Q. Do all three commissioners need to be present 14 during review of absentee ballots? 15 A. They do not. 16 Q. Do any -- does any -- do any commissioners need to 17 be present during the review of absentee ballots? 18 A. The review, they do not. Now, if you're talking 19 about the hearing or when we're looking at provisional 20 ballots, only two have to be there, but in practice we 21 always have three. 22 Q. And that would be the hearing you mentioned 23 earlier? 24 A. No, that's that -- that's the meeting after the 25 election day.</p>	<p style="text-align: right;">Page 73</p> <p>1 among the six teams? 2 A. That's correct. 3 Q. So -- 4 A. Actually they're first all sorted by name 5 alphabet. So that it's easier to do that. Then they're 6 sorted out and, yes, they're matched with the 7 applications. 8 Q. So in the initial review each absentee ballot is 9 reviewed by at least two absentee ballot clerks -- 10 A. That's correct. 11 Q. -- and one supervisor? 12 A. Not necessarily the supervisor, because if they're 13 approved the supervisor doesn't need to do anything with 14 it. 15 Q. As to the absentee ballots that are rejected or if 16 there's some question about an absentee ballot whether 17 it should be counted, all of those ballots are reviewed 18 by at least two absentee ballot clerks and one 19 supervisor? 20 A. That's correct. 21 Q. And then ultimately it will also be reviewed by 22 the commission? 23 A. That's correct. 24 Q. Okay. Thank you. And that goes for any absentee 25 ballot that's not counted in the first instance?</p>

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1 A. That is correct.
 2 Q. All right. Thank you. And in the commissioner's
 3 review of the absentee ballots that are at risk of
 4 rejection, does the commission take a vote as to whether
 5 to count an individual ballot?
 6 A. Yes.
 7 Q. And does that vote need to be unanimous?
 8 A. No.
 9 Q. It's a two to one vote?
 10 A. Right. I don't know of any that we've had that
 11 weren't unanimous but --
 12 Q. So --
 13 A. There are only a few things that have to be
 14 unanimous, and that's moving a poll site, closing a poll
 15 site, things like that.
 16 Q. So what happens if one of the commissioners can't
 17 be present at that vote?
 18 A. We still have to have a meeting. We can't deny
 19 the voter his rights.
 20 Q. So as long as there are two commissioners present,
 21 a vote of two to nothing would certify the ballot or
 22 would count the ballot?
 23 A. Certify the --
 24 Q. Scratch that. If there were only two
 25 commissioners present, a vote of two to nothing would

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1 count -- would result of the counting or not counting
 2 the ballot?
 3 A. Yes.
 4 Q. Okay.
 5 A. I don't -- again, I don't remember that ever
 6 happening, but I guess it's a possibility.
 7 Q. And have there ever been disagreements between the
 8 commissioners regarding whether to count an absentee
 9 ballot?
 10 A. I think every time we've gone through this, and
 11 this is in recent time, get back further and further
 12 it's harder to remember that stuff. But especially this
 13 last one we just had, I think before that too the same
 14 thing. We -- we have a process where we each kind of
 15 look at it, then we show each other what we see. And I
 16 think we are unanimous. I don't remember us ever not
 17 agreeing to it. Somebody will say, oh, look here.
 18 Because not everybody is going to see the same thing.
 19 And we work as a team really is what happens. And I
 20 can't remember us not agreeing on it. It's possible.
 21 And again, the majority would then take over. But in
 22 my -- since 2015, I don't remember ever having that
 23 happen where we had a two to one vote.
 24 Q. Thank you. And if there were a disagreement, how
 25 would you go about resolving that disagreement?

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1 A. Again, a two to one vote solves it. But we are
 2 going to talk it over. We're going to discuss this.
 3 What's the problem. What do you see. What's the
 4 situation. And it's can we count it. It's not how can
 5 we turn it down, it's how can we count it. It just
 6 depends. Does it work.
 7 Q. So is it fair to say that you would only count --
 8 you would only not count a ballot if you felt like there
 9 was no chance that it was the correct -- scratch that.
 10 Please explain further what you mean by you're
 11 going to try to count it?
 12 A. We don't look for reasons to turn them down, we
 13 look for reasons to approve. If it's a provisional
 14 ballot, it's there for a reason. The clerks couldn't
 15 come up with a reason to pass it and the administrator.
 16 So we have to look at it and see. And some of them are
 17 obvious. Again, if they just registered on election
 18 day, you can't count it. It's real simple. Okay.
 19 There's nothing to discuss, you know. Signature is one
 20 that you might look at and say, how old is that person.
 21 That signature, it's -- the information is not there on
 22 the application, you can't count it. Her application is
 23 not filled out, you know, things like that.
 24 So we don't really look for a reason not to. We
 25 just -- if it's there, if the information is provided,

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1 we want to count the ballot, you know. But if it's
 2 wrong, you can't do it.
 3 Q. Is there anyone that you can ask for advice or
 4 guidance on how to resolve a disagreement about whether
 5 to count an absentee ballot?
 6 A. I could call my attorney. I could call the State
 7 Board and ask them. I don't think we've ever done that.
 8 But I think we -- we as commissioners are pretty
 9 knowledgeable. We've got -- and I didn't bring it with
 10 me in here, but we've got a huge book with the law in
 11 it, you know. And it gives you a lot of that stuff.
 12 You can look at this commissioner's guide, there's a lot
 13 of stuff there.
 14 Q. And does anyone else assist the commissioners with
 15 reviewing the absentee ballots when it's time to do that
 16 or is it just the three of you?
 17 A. No, our coordinators do, because they get
 18 information. And we actually -- we actually send
 19 ballots over to the Clerk's Office for some. We want to
 20 know when -- if they were registered, we send them over
 21 to verify. We couldn't find it or whatever. So you'll
 22 send them over. But again, that's not going to be
 23 absentee. But any provisional ballot goes back to the
 24 Clerk's Office for information. We'll want to know what
 25 precinct they belong in. So to make sure the ballot is

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1 for the right precinct. We want to know that they were
 2 registered or are they eligible. A lot of that has to
 3 do again not with absentee. But if it's a provisional
 4 ballot. And most provisionals I think are for ID or
 5 absentee.
 6 Q. So, to your knowledge, you're not aware of
 7 absentee ballots that would have gone to the clerk for
 8 an additional review?
 9 A. I can't recall any. Because again, once they get
 10 their ballot application, and they get a ballot, they've
 11 already proven they're eligible. That doesn't mean it
 12 didn't happen, but I don't recall any.
 13 Q. Thanks. So by the time the voter has received
 14 their absentee ballot, their eligibility has already
 15 been verified; is that correct?
 16 A. I believe that's correct. That's what the clerk
 17 does, yes.
 18 Q. So then how would you describe the purpose of the
 19 requirements as to whether you count an absentee ballot
 20 that's been returned; if the eligibility has already
 21 been established, what is the purpose of those
 22 requirements?
 23 MR. FORD: Object to the form.
 24 A. Well, I can think of a couple of easy ones. Who
 25 filled out and who voted. Who filled this out. Who

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1 signed this information, the voter statement. Why is
 2 the address different on the voter statement than it is
 3 on the voter application. So why does the signature on
 4 the voter statement look left-handed and the signature
 5 on the driver's license looks right-handed.
 6 Q. Let me try to be clear on the question, I guess.
 7 So once a voter has received their absentee ballot,
 8 their eligibility has already been established, correct?
 9 A. Yes.
 10 MR. FORD: Object to form.
 11 Q. So the purpose of the requirements as to whether
 12 to count an absentee ballot, is to determine whether
 13 that was the voter who sent the ballot in; is that
 14 correct?
 15 A. I don't know if that's the purpose. You're making
 16 sure all those things match, the three items match plus
 17 the signature compares. So that's what you're doing.
 18 Again, if you don't fill the voter statement, you're
 19 not -- you're not saying any of this stuff is true. And
 20 if your address is different on your voter statement
 21 than it is on the application, why is that. What
 22 happened there. So who filled that out. I don't know.
 23 Q. Right. So the question is who filled out --
 24 A. Who did all this. Who voted.
 25 Q. Right. So the purpose then is to make sure that

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1 it's the voter who should be returning the ballot that
 2 actually returned it?
 3 A. That's correct.
 4 MR. FORD: Object to form.
 5 A. That's why same thing with nursing home
 6 administrator. They get to bring that in, and they have
 7 to swear to it. But a bearer, if the bearer brings it
 8 in, it wasn't picked up by a bearer, we got a problem or
 9 vice versa. Why did the bearer bring it in if it was
 10 mailed to him. So all those things become problems.
 11 Q. Thanks.
 12 A. And people do try to vote that aren't eligible to
 13 vote. Like I said, I've had people that give me
 14 Tennessee driver's license, Tennessee or Texas driver's
 15 license for ID. I've had people registered in another
 16 county. And what happened this time, this is why you do
 17 these things, so we had a person that applied for an
 18 absentee ballot, and this is why I like the new voting
 19 system, and the poll book is marked that they were sent
 20 an absentee ballot. They filled out their ballot and
 21 they sent it back. They voted absentee -- I mean, early
 22 vote, because they weren't sure it would get back in
 23 time. Well, they were caught voting, I say caught, it
 24 was noted that they had already received an absentee.
 25 Now, we don't have it back yet. So they got to get a

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1 ballot. But it automatically became provisional. And
 2 so therefore was not counted at that time. It was held
 3 provisional and went to the commission. And both
 4 ballots actually became provisional because of that.
 5 And the commission looked at it and the date on the
 6 postmark on the returned ballot was way before the
 7 absentee -- early voting was done. So we threw out the
 8 early voting ballot, disallowed it, and approved the
 9 absentee. That's the way those things are supposed to
 10 work.
 11 Q. Thanks. So this was a case of a voter who was
 12 concerned that their absentee ballot wouldn't be
 13 received by the deadline?
 14 A. That's what he said. Now, we actually
 15 communicated that. And he actually voted twice. So he
 16 actually committed a felony, until the description was,
 17 well, I was doing this. Then, of course, we caught it.
 18 But if he had voted twice, then he would have committed
 19 a felony. So our commission, our people actually caught
 20 it.
 21 Q. So you were able to see, when he voted early, the
 22 poll worker, the clerk at the place that he voted was
 23 able to see that he had already requested an absentee
 24 ballot?
 25 A. That's correct. That's the new voting equipment.

<p style="text-align: right;">Page 82</p> <p>1 Q. Gotcha. So he automatically got a provisional 2 ballot? 3 A. Right. 4 Q. Moving on to the commissioner training. Let's 5 turn to page 28 of Plaintiff's Exhibit 3. It's Bates 6 stamp ending in 689. And the section entitled, 7 Training. It goes from page 28 to page 30 and ends 8 right before the section entitled, Candidates. So if 9 you wouldn't mind just taking a quick look just to 10 refamiliarize yourself with this section a few minutes. 11 A. Okay. 12 Q. Thank you. So on page 28 it states, The State 13 Board of Election Commissioners is required to train and 14 test county election commissioners and county election 15 coordinators and coordinate training for poll workers 16 and county clerks or the county clerk's designee before 17 every preferential primary election. Did I read that 18 correctly? 19 A. I think so. 20 Q. So who does the State Board of Election 21 Commissioners training of county election commissioners 22 and county election coordinators? 23 MR. FORD: Object to form. 24 A. Actually there are quite a few people. And I 25 don't remember each of them. Daniel Shults is one.</p>	<p style="text-align: right;">Page 84</p> <p>1 Commissioners. 2 Q. Just to make sure we're looking at the same thing. 3 A. Yeah. 4 Q. So this will be the next exhibit. I don't think 5 we need to mark that. So putting aside the details for 6 a moment. What happens if a county election 7 commissioner or county election coordinator doesn't take 8 the training? 9 A. Well, they don't get paid. That's the first 10 thing. They don't get paid for doing it. It's a 11 requirement. You still get to be on the board. I don't 12 know. 13 Q. So they would just not get paid, but they would 14 continue to serve on the board and fulfill all the other 15 responsibilities? 16 A. I assume that's correct. That's a situation I 17 don't know. That's a hypothetical. 18 Q. To your knowledge, has that ever happened that 19 they don't take the training? 20 A. No. In fact, one of my commissioners wasn't able 21 to take it because of his job. And they made an 22 arrangement for him, they did a training time later for 23 other people that missed it also. 24 Q. So what does the testing of the State Board of 25 Election Commissioners testing of county election</p>
<p style="text-align: right;">Page 83</p> <p>1 He's the director. I believe Chris Madison was there. 2 I think we had two other people at the training. And I 3 don't know that I wrote their names down, so I don't 4 know. 5 Q. And what does that training consist of? 6 A. Procedures, how to conduct an election. 7 Q. Does this training include training on absentee 8 ballot procedures? 9 A. I don't know for sure, but I'm pretty sure it did. 10 Q. So you're referring to a document. What is this 11 document you're referring to now? 12 A. County Board of Election Commissioners Training 13 2022. 14 Q. Is that a PowerPoint? 15 A. It was a PowerPoint. 16 Q. So I think we have that. Maybe I'll introduce it 17 and we'll talk about it. 18 A. I'm pretty sure it's in there, but I've slept 19 since then and many other things, so. 20 Q. Can you read just the very first page, what is it 21 titled? 22 A. It's in a box and this is a PowerPoint. 2022 23 County Board of Election Commissioners Training. 24 Q. Okay. 25 A. And it's got the seal and State Board of Election</p>	<p style="text-align: right;">Page 85</p> <p>1 commissioners and county election coordinators consist 2 of? 3 A. What does it what? 4 Q. What does the testing consist of? 5 A. A test, a printed test. I don't have a copy of 6 it. But basically it asked you questions related to 7 what you went over. 8 Q. So this is a written test? 9 A. It is a written test. 10 Q. Does this test consist of questions about absentee 11 ballot procedures? 12 A. I don't remember. 13 Q. Is it a multiple choice test? 14 A. I believe it has mostly written, multiple choice, 15 yes. 16 Q. So what happens if a county election commissioner 17 or a county election coordinator does not take those 18 tests? 19 A. I don't know. It's not something that has 20 happened. And like I said, the commissioner on our 21 commission that didn't, I made sure it happened. So I 22 don't know what anybody else does. 23 Q. What happens if a county election commissioner or 24 county election coordinator fails to pass those tests? 25 A. They don't get paid.</p>

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1 Q. Would they have to do any followup training?
 2 A. I don't think there's any requirement by law. I
 3 don't know. I can't imagine them going to that and not
 4 pass. It's possible, I guess. I can't imagine my
 5 commissioners, fellow commissioners not passing.
 6 Q. Thank you. How does the State Board of Election
 7 Commissioners coordinate training for poll workers and
 8 county clerks or the county clerk's designee?
 9 A. How do they coordinate?
 10 MR. FORD: Objection to form.
 11 A. I don't know how they coordinate. It's not under
 12 my purview.
 13 Q. But poll workers and county clerks receive
 14 training?
 15 A. The county clerks should be training with the
 16 commissioners usually. The poll workers receive
 17 training. And our coordinators are the ones who have
 18 done it, in the past commissioners and coordinators.
 19 But since I have competent coordinators that are
 20 actually hired by us now, we use them.
 21 Q. So does the State Board of Election Commissioners
 22 have any role in coordinating the training of poll
 23 workers and county clerks?
 24 A. I guess they do. They actually help pay for that,
 25 I believe, with the training.

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1 Q. So they're aware of the training?
 2 A. Yes.
 3 Q. And the dates?
 4 A. Yes.
 5 Q. So let's turn to this document as Plaintiff's
 6 Exhibit 4.
 7 (Plaintiff's Exhibit 4 was marked for
 8 identification.)
 9 A. Okay.
 10 Q. Do you recognize this document?
 11 A. I do.
 12 Q. What is it?
 13 A. 2022 County Board of Election Commissioners'
 14 Training Manual. Copy for the slide show.
 15 Q. And who provided you with this document?
 16 A. The State Board of Election Commissioners. No,
 17 you did just now.
 18 Q. Right. Have you seen this document before?
 19 A. I have not seen it in this form, but I've seen
 20 similar.
 21 Q. Is this identical to the document you were
 22 reviewing a moment ago?
 23 A. Actually it's not identical. It does compare, but
 24 the pictures are much smaller on my document. And it's
 25 area placed alongside of it to make notes.

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1 Q. I see.
 2 A. For which I may have done a few.
 3 Q. If you turn to the very last page of that. What
 4 does the last line say?
 5 A. Contact info.
 6 Q. Okay. And what does it say right before that?
 7 A. And finally good luck.
 8 Q. Thank you. So they appear to be --
 9 A. Like I said, they compare.
 10 Q. Yeah, they compare. Thank you. So I can
 11 represent that this is a true and accurate copy of the
 12 2022 County Board of Election Commissioners training
 13 provided to the county commissioners by the State Board
 14 of Elections. Do you remember how they provided you
 15 with this training document; was it by mail or email?
 16 A. No. They passed it out while we were in there
 17 taking the test.
 18 Q. Physical copies in the training?
 19 A. Yes.
 20 Q. Okay.
 21 A. That's where I got this copy from while I was
 22 there at training. And so they had the slide show, and
 23 they gave each commissioners or clerk or whoever,
 24 coordinator, got a copy of this. And like I said, it's
 25 got room to make notes to highlight what you needed to

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1 or whatever you wanted to. So it was passed out when
 2 you were there, yes.
 3 Q. So each of the county commissioners received a
 4 copy of this?
 5 A. Each of the people that were trained received a
 6 copy.
 7 Q. To your knowledge, was this provided in any other
 8 format besides what was handed out at the training?
 9 A. I don't know.
 10 Q. Is this a document that you referred to in the
 11 course of your normal duties?
 12 A. Occasionally, yes.
 13 Q. Do you remember the last time you were trained by
 14 the State Board of Election Commissioners?
 15 A. I think it was February of this year, but I can't
 16 remember for sure on the date. I think it was February
 17 though.
 18 Q. And was this in person?
 19 A. Yes.
 20 Q. Where was it?
 21 A. State Board Offices.
 22 Q. And about how many days and hours was the
 23 training?
 24 A. It was one day. I believe it was all day.
 25 Q. And what about the most recent prior training to

<p style="text-align: right;">Page 90</p> <p>1 that; do you remember when that was?</p> <p>2 A. Not off-hand. I'm going to assume it was prior to</p> <p>3 the 2020 election, but I don't remember the date.</p> <p>4 Q. So these trainings are typically held every two</p> <p>5 years?</p> <p>6 A. Yes, before the break.</p> <p>7 Q. So there would have been a training in 2020, to</p> <p>8 your knowledge?</p> <p>9 A. Yes.</p> <p>10 Q. And what about 2021?</p> <p>11 A. I don't think there would have been in '21. We</p> <p>12 didn't have a primary election, as I recall.</p> <p>13 Q. And I believe you stated earlier that you don't</p> <p>14 recall if there was training specifically on absentee</p> <p>15 ballot procedures?</p> <p>16 A. I don't remember, no.</p> <p>17 Q. Okay. How were you notified of the training?</p> <p>18 A. I think an email.</p> <p>19 Q. And these trainings are mandatory?</p> <p>20 A. Yes. And if you're a commissioner or coordinator</p> <p>21 you want to go anyhow, whether they're mandatory or not.</p> <p>22 Q. So about how many trainings in total have you</p> <p>23 attended during your time on the County Board of</p> <p>24 Election Commissioners?</p> <p>25 A. Well, I don't know. I've went to Secretary of</p>	<p style="text-align: right;">Page 92</p> <p>1 I'm not sure. But it is for clerks.</p> <p>2 Q. The Jefferson County coordinators were present at</p> <p>3 the --</p> <p>4 A. Oh, yes, absolutely.</p> <p>5 Q. And was that at your direction or the state's?</p> <p>6 A. I don't remember. I know I highly encourage it.</p> <p>7 They need to know all they can know, just like I do.</p> <p>8 Q. So was the training presented more as a lecture or</p> <p>9 discussion?</p> <p>10 A. I think it was a discussion. It was a lecture,</p> <p>11 but it was with discussion. You could ask all the</p> <p>12 questions you want.</p> <p>13 Q. Were there a lot of questions asked, do you</p> <p>14 remember?</p> <p>15 A. I believe there were quite a few.</p> <p>16 Q. Do you have any examples of some of the questions</p> <p>17 that might have been asked?</p> <p>18 A. I don't know.</p> <p>19 Q. So the training, during the training you went</p> <p>20 through this document page by page?</p> <p>21 A. Yes.</p> <p>22 Q. And this would be Plaintiff's Exhibit 4?</p> <p>23 A. I know some of that stuff was brought up I recall</p> <p>24 was the new law passed. And I wrote that on here.</p> <p>25 Appoint two co-election coordinators. Because that was</p>
<p style="text-align: right;">Page 91</p> <p>1 State ones too besides that. It's just a guess because</p> <p>2 I don't remember. Five, six, something like that, maybe</p> <p>3 more than that. I know I've gone Secretary of State to</p> <p>4 learn about voting machines a couple of times. I don't</p> <p>5 know. Several for sure.</p> <p>6 Q. So there are separate trainings conducted by the</p> <p>7 Secretary of State's Office?</p> <p>8 A. That was about the voting machines when we</p> <p>9 switching over, so yes.</p> <p>10 Q. Okay.</p> <p>11 A. And one of those was at -- I think one was at the</p> <p>12 Hilton over by the airport. We had several meetings</p> <p>13 over there.</p> <p>14 Q. Who else is present at the State Board of Election</p> <p>15 Commissioners training besides county commissioners?</p> <p>16 A. County clerks, coordinators.</p> <p>17 Q. And is that the same for the state, the Secretary</p> <p>18 of State trainings, or is it just for commissioners?</p> <p>19 A. No, it's the same thing.</p> <p>20 Q. Clerks and coordinators?</p> <p>21 A. Right.</p> <p>22 Q. So is the training, is the State Board of Election</p> <p>23 Commission training mandatory for county clerks and</p> <p>24 county coordinators as well?</p> <p>25 A. I don't believe it's mandatory for coordinators.</p>	<p style="text-align: right;">Page 93</p> <p>1 a big contention for us before.</p> <p>2 Q. So in the version of the document you're reviewing</p> <p>3 now, you have contemporaneous notes that you made --</p> <p>4 A. Yes.</p> <p>5 Q. -- during the training for yourself? Would it be</p> <p>6 possible to at some point provide a copy of that</p> <p>7 document?</p> <p>8 A. I don't want to have to unstaple it and staple it</p> <p>9 back.</p> <p>10 MR. HUNTER: I'd interject if there's</p> <p>11 personal notes where he may have made some</p> <p>12 type of comment about the lecturer or --</p> <p>13 MR. SNOW: Oh, yeah. You can</p> <p>14 certainly --</p> <p>15 A. I'd just soon not do that.</p> <p>16 BY MR. SNOW:</p> <p>17 Q. Okay.</p> <p>18 A. You've got a true and correct copy anyhow you</p> <p>19 said.</p> <p>20 Q. Can you just take a quick look then and just see,</p> <p>21 take your time, and just see if there are any notes in</p> <p>22 that training on specifically the absentee ballot</p> <p>23 procedures? Just take your time.</p> <p>24 A. Absentee ballot comparisons are there, so yes.</p> <p>25 Q. Did you take any notes?</p>

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1 A. Probably not. They certify. No, I think they
 2 were all pretty self-explanatory.
 3 Q. Thank you.
 4 A. And I would say that the poster is actually made
 5 from this or similar probably years ago, the two posters
 6 I sent you.
 7 Q. Okay. Great. Thank you. We're going to look at
 8 this document. This will be Exhibit 5.
 9 (Plaintiff's Exhibit 5 was marked for
 10 identification.)
 11 A. I didn't know I knew this much stuff.
 12 Q. Thank you. So do you recognize this document?
 13 A. I do.
 14 Q. And what is it?
 15 A. It's 2020 Poll Worker Training.
 16 Q. So I'll represent that this is -- the record of
 17 this is a training packet provided by State Board of
 18 Election Commissioners, titled, The 2020 Poll Worker
 19 Training. So who conducts the poll worker training?
 20 A. The commissioners or the coordinators.
 21 Q. So in Jefferson County sometimes it's the
 22 commissioners and sometimes it's the --
 23 A. Well, in 2020 it was commissioner and coordinator,
 24 actually, yeah, commissioner and coordinator I think in
 25 2020.

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1 Q. And how often are these trainings conducted?
 2 A. Before the primary, and then generally they'll
 3 also do a refresher before the general election. And we
 4 did both of those this year.
 5 Q. And is this document used in the training of poll
 6 workers?
 7 A. Yes. Actually a former commissioner of ours
 8 actually modified some to be -- to do a slide show, so
 9 yes.
 10 Q. So the training consists of an in-person training
 11 with a slide show?
 12 A. Yes, and a handout.
 13 Q. And a handout. What is the handout?
 14 A. Basically like this.
 15 Q. So is this the exact document or is it a version
 16 of this document?
 17 A. It's probably this document. Well, no, it's
 18 probably changed slightly. Because we're more emphasis
 19 on fail-safe voting. It's definitely bigger than ours
 20 and things like that. We will add some pages or
 21 something like that.
 22 Q. So this is a training document produced by the
 23 County Board of Election Commissioners.
 24 A. Yes.
 25 Q. Okay.

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1 A. Because we have some things we think are unique
 2 and we try to go back over those.
 3 Q. Do you know if those have been provided with the
 4 other production? Do you know if -- if you all have
 5 provided those to the Plaintiffs as part of the other
 6 document production?
 7 A. If we provided?
 8 Q. The version of the training documents that you
 9 used for --
 10 A. I do not know.
 11 Q. Okay. So in addition to --
 12 A. I think it asked about general election. So I
 13 don't think we went back to the primary. I don't know
 14 if it was -- I don't remember that question being in the
 15 requested documents.
 16 Q. So the poll worker training is conducted in
 17 advance of the primary election?
 18 A. That's correct. And our documents are only kept
 19 for two years.
 20 Q. Do poll workers get additional training before the
 21 general election?
 22 A. They get additional or a refresher course. But
 23 mostly it's the poll judges that do that. Only new
 24 workers would get that. So if they're a new poll worker
 25 and didn't work the primary, then they'll get trained,

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1 plus the judges get a refresher.
 2 Q. So each poll worker will receive typically one
 3 training --
 4 A. That's correct.
 5 Q. -- per election cycle?
 6 A. Yes.
 7 Q. In addition to the poll worker training document
 8 that the county produces and provides to poll workers,
 9 are there any other training materials that the county
 10 uses to train poll workers?
 11 A. Yeah. The poll worker training from the State
 12 Board.
 13 Q. The state one. We'll use this document as
 14 Plaintiff's Exhibit 6.
 15 (Plaintiff's Exhibit 6 was marked for
 16 identification.)
 17 Q. Do you recognize this document?
 18 A. I do.
 19 Q. And what is this?
 20 A. Jefferson County Poll Workers Job Guide.
 21 Q. And so who created this document?
 22 A. The commission.
 23 Q. The county commission?
 24 A. Yes.
 25 Q. Does the State Board of Election Commissioners

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1 review these materials?
 2 A. I believe they did.
 3 Q. Do they have to approve these materials?
 4 A. I don't believe they do, no.
 5 Q. The County Board of Election Commissioners
 6 provided this document to the State Board of Election
 7 Commissioners?
 8 A. I believe one commissioner gave (inaudible) yes.
 9 Q. And that would have been through email?
 10 A. I'm not sure how they did it. Commissioner Soffer
 11 was our secretary at that time. And he had a lot of
 12 free time. And he was very involved in taking care of
 13 things like this.
 14 Q. And do you know if the State Board of Election
 15 Commissioners reviews these materials?
 16 A. I believe that was discussed. I don't know
 17 exactly how they reviewed it.
 18 Q. But they don't have to approve it for use?
 19 A. I don't believe they do.
 20 Q. Do you recall ever getting any feedback from the
 21 State Board of Election Commissioners --
 22 A. I think --
 23 MR. FORD: Object to form.
 24 A. -- they liked what we were doing.
 25 Q. I'm sorry. Let me ask it again. Do you recall

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1 ever getting any feedback from the State Board of
 2 Election Commissioners on materials the county produces
 3 for training?
 4 A. I believe they liked what we did.
 5 Q. So they gave you positive feedback?
 6 A. Yes.
 7 Q. And what form did that take?
 8 A. Verbal.
 9 Q. Verbal. Thank you. All right. Let's turn to
 10 page 6, the Bates stamp ending in 112. In the middle of
 11 the page it says, Elections in Jefferson County. It
 12 says, The clerk also mails and receives back absentee
 13 ballots and conducts early voting --
 14 A. Oh, wait a minute.
 15 Q. I'm sorry.
 16 A. The clerk what?
 17 Q. The second sentence of that paragraph under where
 18 it says, Elections in Jefferson County.
 19 A. Okay.
 20 Q. It says, The clerk also mails and receives back
 21 absentee ballots and conducts early voting. Did I read
 22 that correctly?
 23 A. Yes.
 24 Q. So what does that mean?
 25 A. Well, the first sentence is important to that.

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1 The county clerks is the voter registrar who maintains
 2 voter records. The clerk also mails and receives back
 3 absentee ballots and conducts early voting. That's
 4 exactly what it means.
 5 Q. So does the clerk review absentee ballot
 6 applications?
 7 A. Yes. I don't think we're saying they don't.
 8 Q. So the clerk is responsible for reviewing absentee
 9 ballot applications?
 10 A. Yeah. That's part of the process. I think mails
 11 and receives back the absentee ballots. They're not
 12 going to email them unless they have an application.
 13 They're not going to say, well, let's go email some
 14 ballots out.
 15 Q. Does anybody else besides the clerk review
 16 absentee ballot applications?
 17 A. I don't know. You'd have to ask the clerk.
 18 Q. So does the clerk decide whether to mail out an
 19 absentee ballot?
 20 A. I would think so. I don't know.
 21 Q. Does the clerk -- does the clerk ever not mail
 22 out an absentee ballot --
 23 A. I don't know.
 24 MR. FORD: Object to form.
 25 Q. Has the clerk ever notified you if they decided

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1 not to send an absentee ballot to --
 2 A. I've never heard that.
 3 Q. To your knowledge, how does the process for review
 4 of an absentee ballot application work?
 5 A. I don't know.
 6 MR. FORD: Object to form.
 7 Q. So let's look at -- let's look at page 10, which
 8 has the Bates stamp ending in 116. Under poll workers
 9 there are a few bullets. One of the bullets instructs
 10 poll workers to arrange to vote early or absentee,
 11 unless assigned to work at your voting poll. Did I read
 12 that correctly?
 13 A. I don't see where you read that.
 14 Q. It's the third --
 15 A. I got --
 16 Q. -- second bullet --
 17 A. It sounds like it.
 18 Q. Okay. So do you instruct poll workers to vote
 19 absentee?
 20 A. I don't instruct them.
 21 Q. Do you recommend that poll workers vote absentee
 22 or --
 23 A. We recommend that they vote absentee or early if
 24 they're going to work at a poll site that's not where
 25 they would vote.

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1 Q. And why is that?

2 A. Because they can't leave the poll site to vote.

3 So we want them to vote. So if they're going to work at

4 their poll site they can vote. But if they're going to

5 work at a poll site that is not where they get to vote.

6 Now, we have attempted, the commission, to open vote

7 centers. However, we've not been able to get the county

8 to approve that yet. And if we open vote centers

9 people can vote anywhere there's a vote center. And

10 although we don't have internet at every poll site. So

11 we might not vote centers everywhere. But that would

12 certainly alleviate that problem.

13 But yes, our poll workers are people that want to

14 vote. They wouldn't even be there if they weren't

15 voters. They're not going to go work if they're not

16 registered. They can't.

17 Q. So do you recommend one form or the other; early

18 voting or absentee voting?

19 A. I don't recommend, no. It's however they want to

20 do it. They're both open to them.

21 Q. Is there a written test or examination that poll

22 workers have to take?

23 A. I don't remember.

24 Q. Is there any kind of --

25 A. I believe there is, but I don't remember.

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1 Q. All right.

2 A. I haven't done the poll worker training the last

3 year.

4 Q. To your knowledge, has there ever been a poll

5 worker that failed their training or failed their

6 qualification test?

7 A. Yes.

8 Q. And can you describe the circumstances?

9 A. Actually it was a county hired coordinator that

10 was taking the training. And spent all the time on the

11 phone or talking to other people interrupting. And he

12 was unable to complete the test. And he was not

13 appointed as an election official because of that.

14 Q. So the poll workers who --

15 A. It was actually an election coordinator. He never

16 became a poll worker or an election official.

17 Q. And who was it that conducted that review, do you

18 know?

19 A. I believe that was conducted by Stuart Soffer and

20 Sven Hipp.

21 Q. So those were the county commissioners?

22 A. No. Stuart Soffer was.

23 Q. Okay.

24 A. Sven Hipp was a technician at the time, but he is

25 now a coordinator.

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1 Q. So the commission didn't vote on whether or not to

2 allow the --

3 A. No.

4 Q. The commission didn't vote on whether or not to

5 allow the poll worker to continue?

6 A. No. That was a job of the trainers.

7 Q. Okay.

8 A. I can tell you this. The commission did not

9 appoint him. So I guess we voted by not appointing him.

10 Q. Okay. I see. That was then the basis for the

11 failure?

12 A. Yes.

13 MR. SNOW: Okay. I apologize. Can we go

14 off the record for just a second. I realize

15 that my computer is not charging. And it's a

16 very old laptop.

17 A. Okay.

18 THE VIDEOGRAPHER: We're going off the

19 record. The time is approximately 11:35 a.m.

20 (A recess was had.)

21 THE VIDEOGRAPHER: We are back on the

22 record. The time is approximately 11:37 a.m..

23 BY MR. SNOW (CONT.):

24 Q. Thank you. Again, my apologies for that delay.

25 So let's turn back to Plaintiff's Exhibit 5, which is

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1 the --

2 A. Poll Workers Job Guide.

3 Q. That was 6. Let's go back to 5.

4 A. I'm not trying to keep track of the numbers.

5 Sorry.

6 Q. Yeah.

7 A. I see the number on there.

8 Q. There you go.

9 A. This one or this one?

10 Q. 5, the Poll Worker Training.

11 A. Okay.

12 Q. And if you would turn to page 142. That's the

13 page ending in Bates stamp 895.

14 A. Ending in what?

15 Q. 895.

16 A. Okay. They're on different sides of the page.

17 That's why --

18 Q. Yeah.

19 A. All right. Absentee ballot processing.

20 Q. Okay. Please take a moment to review. And so

21 included in this is the third bullet there, it says,

22 Canvassing absentee ballots. How would you define

23 canvassing?

24 A. I guess since it's not really what I thought about

25 it. The process of determining the eligibility of the

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1 ballot. I guess that's it.
 2 Q. So does canvassing include the process whereby the
 3 absentee ballot clerks do the comparisons --
 4 A. Yes.
 5 Q. -- between the absentee ballot voter statement and
 6 the absentee ballot application?
 7 A. Yes.
 8 Q. Okay. And then how would you define counting,
 9 that third bullet, counting absentee ballots?
 10 A. Once you've gone through that process, then any --
 11 and it's actually a multi-stage process. Because on
 12 election day you would count, and by count you would put
 13 the ballot in the DS-200 tabulator. And that will
 14 mechanically or electronically count the ballots, the
 15 votes. And then once you go through the provisional
 16 part, whether it's voter ID or a hearing, if necessary,
 17 then the tabulation again, the counting, take those
 18 ballots once approved and put them in the machine. And
 19 then you have the report of that. I believe that's
 20 correct, yes.
 21 Q. Thanks. So go to the next page 143, Bates stamp
 22 ending in 896. Please take a moment to review this.
 23 And so the opening and processing of absentee ballots,
 24 what does that -- what does that mean?
 25 A. All right. So where are you reading from?

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1 Q. The very top, Opening and processing of absentee
 2 ballots.
 3 A. Okay.
 4 Q. When does that take place?
 5 A. On election day.
 6 Q. Can that begin before election day?
 7 A. I believe the law previously said four days
 8 before. Although I think the law changed again. I
 9 don't know for sure. But I think we've only done it on
 10 election day.
 11 Q. You've only ever done it on election day?
 12 A. No. That's what I recall. The last one we did
 13 was on election day. Prior to that we did start
 14 earlier.
 15 Q. Prior to what?
 16 A. Prior to the 2022 election.
 17 Q. Did --
 18 A. I think 2020, this is again just memory and it
 19 could be wrong, but I believe we did start counting, not
 20 counting, we started processing them. We were verifying
 21 them. But no ballots were ever exposed until election
 22 day. And it used to be we could do all that before 7:30
 23 and not expose the tally. And I don't know if that was
 24 wrong what we were doing, but that's what we thought we
 25 were supposed to do. But now we do not process any

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1 ballots through the DS-200 until 7:30 p.m. on election
 2 day. And so therefore no ballots are counted or exposed
 3 until after the close of the poll sites.
 4 Q. So that refers to the counting, but the
 5 processing, the opening and canvassing --
 6 A. Right.
 7 Q. -- that can take place before --
 8 A. Yes, we do that before. We actually look at it
 9 and make sure, yes.
 10 Q. Okay. And, to your knowledge, how early can that
 11 take place?
 12 A. Well, I think it's only on election day now. But
 13 I could be wrong on that. So I don't know. It used to
 14 be four days, as I recall. Right now it's election day
 15 as far as I can recall.
 16 Q. So the determination to begin the process of
 17 opening and processing absentee ballots, not counting
 18 them, in Jefferson County only takes place on election
 19 day?
 20 A. Yes.
 21 Q. Okay. And what is the reason for that?
 22 A. If we don't have enough it becomes a problem. We
 23 get it done. So why do we need to do it any sooner.
 24 Q. Well, is it -- well, yeah. If you -- if you did
 25 it sooner you could provide notice to voters --

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1 A. I don't think we could. I don't think we can call
 2 it a provisional ballot until the commission has met.
 3 And we're not going to meet before. Why would we meet
 4 before election day and say these ballots are
 5 provisional. I think that would be -- we'd be opening a
 6 whole new can of worms. I think we would confuse
 7 ourselves, for one thing.
 8 Q. So --
 9 A. We have a process that works. Why -- we're giving
 10 them 9 to 10 days notice when we do send the letters
 11 out. And we send a letter to everybody that's
 12 provisional. And anywhere in Jefferson County should be
 13 able to receive mail in two or three days, even if it's
 14 terrible.
 15 Q. Right. So just to reiterate for the record. In
 16 Jefferson County you send a notice to every voter who
 17 has a provisional ballot?
 18 A. That is correct. I thought that was the procedure
 19 that was supposed to happen.
 20 Q. So let's take a look back at Plaintiff's Exhibit
 21 4, which is the 2022 County Board of Election
 22 Commissioners training. And let's look at -- it's the
 23 Bates stamp ending in 920.
 24 A. I'm sorry. What?
 25 Q. It's the Bates stamp, yes, the page, the Bates

<p style="text-align: right;">Page 110</p> <p>1 stamp is down in the lower bottom left corner. So if 2 you look for the page that's numbered 920, sorry, ending 3 in 920. 4 A. Seven days. Okay. 5 Q. So you see where it says on the top, Processing 6 and counting absentee ballots. And first the bullet 7 says -- 8 A. Up to seven days. 9 Q. -- CBEC may begin processing the ballot paperwork 10 up to seven days before election day? 11 A. Yes. 12 Q. I read that correctly? 13 A. Seems correct. 14 Q. Okay. Now we can turn back to the one we were 15 just on, Plaintiff's Exhibit 5, and look for -- it's a 16 few pages after the one we just found. 17 A. I closed it. 18 Q. It's okay. Bates stamp ending 901. 19 A. And Remember, is that the page? 20 Q. Yeah. So the first bullet states, The outer 21 envelopes of absentee ballots may be opened one week 22 before election day, so that election officials may 23 begin processing the absentee ballot paperwork. Did I 24 read that correctly? 25 A. Sounds correct.</p>	<p style="text-align: right;">Page 112</p> <p>1 additional expense, plus you can't get the people, you 2 know. Can they take one day off of their regular job. 3 Q. So when you mean, "the people," you're talking 4 about the absentee ballot clerks? 5 A. Absentee ballot clerks, yes. 6 Q. Can the county commission -- sorry -- can the 7 County Board of Election Commissioners conduct a review 8 of -- conduct a comparison between absentee ballot 9 envelopes and applications? 10 A. Can they. I guess they could. Would I, no. 11 Would my other commissioners, I doubt it. You know, I 12 run a business, even though I'm a day older than dirt, 13 but I still run a business. And I'm involved in that. 14 And I know one of my fellow commissioners is an 15 insurance agent. One of my fellow commissioners is a 16 teacher. And I don't think their employers would allow 17 them to take four or five days or a week off to do this. 18 Q. To your knowledge, do any other counties besides 19 Jefferson County begin the process of -- 20 A. I don't have any idea. 21 Q. Sorry. Let me just finish the question. 22 A. Sorry. 23 Q. To your knowledge, do any other counties in 24 Arkansas besides Jefferson County begin the process of 25 this review and comparison prior to election day?</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Okay. So the comparisons between the absentee 2 ballot voter statement and the absentee ballot 3 application can be done up to one week before election 4 day? 5 A. I guess it physically can be done. But you have 6 to find additional workers to do that. And you have a 7 hard enough time finding them for one day, much less a 8 week ahead. And then you've got to have coordinators be 9 there responsible for all that moving back and forth 10 from secure room and out. You also have to have a clerk 11 bring them to you. And they're in control of all of the 12 absentees as they get them, and they don't -- they 13 didn't even want to bring them to us this past week, I 14 mean, this past election until election day. So I am 15 not in control of a lot of that stuff. 16 Now, I'm going to say something else so that you 17 know. And some of this stuff, because my memory is not 18 as good as I used to be. June 2nd I was in a really 19 bad car wreck. And as a result of that, I received some 20 medical problems, including AFib. So because of that I 21 may suffer some of that stuff. I just want to put it 22 out there. It's just -- I think I'm doing pretty good. 23 But some things like this, like I say, there was a 24 question in my mind about the seven. So I don't know. 25 But it really to me you're talking about a lot of</p>	<p style="text-align: right;">Page 113</p> <p>1 A. I don't know what they do. 2 MR. FORD: Object to form. 3 Q. Was this -- was this seven day window discussed 4 during the training, do you remember? 5 A. I know it was, yes. 6 Q. Okay. 7 A. I don't remember it, but I know it was because 8 it's in the book. 9 Q. And let me just say certainly appreciate if you 10 can't remember something or don't recall, you can just 11 say that. None of these are gotcha questions. And I'm 12 just trying to understand. And again, really appreciate 13 you -- 14 A. Okay. 15 Q. -- being here today. And it's really helpful. I 16 just wanted to make that point. 17 So what happens when an absentee ballot first 18 reaches your office, what happens to the ballot? 19 A. They're sorted by in alphabetical order. 20 Q. And then they're placed in bins or they're placed 21 in a stack or -- 22 A. They're all laid out on a table in alphabetical 23 order. And then the ballot applications are attached to 24 them. And then they're put in bins separated for the 25 teams to process.</p>

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1 Q. And so as additional ballots continue to arrive,
 2 they get kind of slotted in there into the alphabetical
 3 order?
 4 A. Well, we've not had additional, because like I
 5 said, this last time we didn't get any of them. They
 6 all came -- yes, there were some additional came that
 7 day. By that time we were done processing the others
 8 and we just include them.
 9 Q. You're saying all of the absentee ballots came to
 10 your office at the same time?
 11 A. That's correct. All except for whatever the mail
 12 was that day.
 13 Q. And where did they come from?
 14 A. The Clerk's Office.
 15 Q. So, to your knowledge, what happens at the Clerk's
 16 Office when an absentee ballot arrives?
 17 A. I don't know.
 18 Q. So on election day -- sorry. Which day, which day
 19 do you typically get the ballots from the Clerk's
 20 Office?
 21 A. Election day.
 22 Q. On election day. Sometime in the morning?
 23 A. Yes.
 24 Q. And then sometimes later in the day you'll get
 25 additional ballots that arrive that same day?

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1 A. If the mail runs, yes. It's not always the case.
 2 And we can get absentee ballots from overseas later than
 3 that too.
 4 Q. Yeah, yeah. So let's turn back to Plaintiff's
 5 Exhibit 3, that County Board of Election Commissioners
 6 Procedures Manual, 2022 Edition. And turn to page 89,
 7 please. Just please just take a moment to review this
 8 page. So this is described as part of the canvassing
 9 process; is that right?
 10 A. Yes.
 11 Q. And it's the absentee ballot clerks that go
 12 through the ballots?
 13 A. Yes.
 14 Q. So if you go down to the second large section
 15 which reads, No voter statement, no photo ID,
 16 Information on the voter statement does not compare to
 17 application. Can only be done after 8:30 a.m. on
 18 election day. Did I read that correctly?
 19 A. Seems to be.
 20 Q. So if there's a mismatch the absentee ballot gets
 21 flagged, we discussed this earlier, and first the
 22 election absentee ballot supervisor works with the
 23 clerks to see if that problem can be resolved?
 24 A. Yeah, or verify the problem, whichever way, yes.
 25 Q. And if it can be to the satisfaction of the

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1 clerks, that would go into the count?
 2 A. That is correct.
 3 Q. And if it can't, then it would go into the bin,
 4 the provisional bin?
 5 A. That's correct.
 6 Q. And then it would go to the County Board of
 7 Election Commissioners?
 8 A. Yes.
 9 Q. Okay. We covered that pretty well on that ballot.
 10 So for the absentee ballots that become provisional
 11 ballots, those are first reviewed by the commission the
 12 day after the election day?
 13 A. Yes.
 14 Q. Okay. And all of those ballots -- sorry -- all of
 15 the voters who cast those ballots receive a notice from
 16 the commission?
 17 A. I'm not sure they receive it. We send it.
 18 Q. You send it.
 19 A. If the address is wrong or whatever, or the mail
 20 doesn't deliver it, but yes, we send it.
 21 Q. So you send it via mail?
 22 A. Yes, first class.
 23 Q. Do you provide notice in any other form?
 24 A. Occasionally if they're missing their voter ID we
 25 will make a phone call if we have their number. And we

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1 should have their number. It should be on their
 2 application.
 3 Q. Uh-huh.
 4 A. And so we will do that, yes.
 5 Q. So if the phone number is on their application,
 6 sometimes you'll make a phone call, but only for a
 7 provisional ballot with an ID issue?
 8 A. Yeah. Because everything else is too complicated
 9 to try and do that. And we still send a letter though
 10 even if we call them.
 11 Q. Uh-huh. Do you ever send an email? Do you have
 12 that on file?
 13 A. No, I don't remember sending an email.
 14 Q. Okay.
 15 A. And I don't know how we would have it on file,
 16 because it's not on the voter application. And we don't
 17 have the information, voter registrar information. And
 18 I don't know that they have it in there.
 19 Q. Did you receive training on that aspect of the
 20 process, contacting voters who --
 21 A. I don't remember. I'm sorry.
 22 Q. Let me just finish.
 23 A. I'm sorry.
 24 Q. Do you receive training on that aspect of the
 25 process, the provision of notice to absentee voters

<p style="text-align: right;">Page 118</p> <p>1 whose ballots have been turned into provisional? 2 A. I don't remember, but we probably did. 3 Q. Do you know if any other counties in Arkansas 4 provide notice to voters, absentee voters whose ballots 5 have become provisional? 6 A. I don't know for sure. But I would assume all 75 7 of them do. I don't know why they wouldn't. That's 8 what they're supposed to do. 9 Q. Let's turn to page 88. It's the previous page. 10 Bates stamped 749 in Exhibit 3. So this page is titled, 11 Best Practice for analyzing four absentee ballot data 12 points. What is a best practice? 13 A. Looking for a definition? 14 Q. What does that mean to you? 15 A. It's been proven to work the best. It's been 16 proven to be the most reliable. 17 Q. Are county election commissioners required to 18 follow best practices? 19 A. Yes. 20 Q. Or is it more of a suggestion or guidance or is 21 there a requirement? 22 MR. FORD: Object to form. 23 A. I don't know. 24 Q. But you treat this as a requirement? 25 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. And generally what would the letter -- what 2 information would the letter provide? 3 A. I don't have it in front of me. But it says your 4 ballot is not being counted for whatever. We'll have a 5 hearing such and such date and be there at such and such 6 date and time. 7 Q. So would it mention that there is an issue -- 8 A. I don't remember. I'm sorry. I answered too 9 soon, but I don't remember. 10 Q. So if both addresses said 123 Main Street, the 11 city Bryant, and the state of course Arkansas, but the 12 Zip Code was still off by one digit. What would happen 13 to that then? 14 A. We'd compare. It would be counted. 15 Q. It would be counted. So you'd say then that that 16 would be sufficiently similar? 17 A. Yes. 18 Q. Okay. Turning back to Plaintiff's Exhibit 3 on 19 that same page, page 88. It's the best practices. 20 County Board of Election Commissioners Procedure Manual, 21 2022 edition. Again, for the record, this page is 22 entitled, Best practices for analyzing for absentee 23 ballot data points. And let's look at the voter's date 24 of birth section. For the record this section states, 25 The voter's date of birth should be found comparable if</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. So there's a section titled, voter's address. And 2 it states, The voter's address should be found 3 comparable if it is sufficiently similar so that any 4 discrepancies such as abbreviations, variations in form, 5 or other minor incongruities are not so dissimilar that 6 election officials are unable to determine the two 7 documents reflect the same physical address. Did I read 8 that correctly? 9 A. Sounds like you did. 10 Q. Okay. Let's turn back to Plaintiff's Exhibit 4 on 11 the Bates stamp ending in 966. Sorry. Just a second. 12 I'm looking at the wrong -- oh, there it is. 13 Okay. So this is -- this slide is titled, 14 Scenario 5 answer. And if you look at the application 15 for absentee ballot, it lists 123 Main Street. And the 16 absentee voter statement lists P.O. Box 310. And then 17 it looks like the Zip Codes are off by one number as 18 well. So does this match? 19 A. No. 20 Q. And so what would you do with this ballot? 21 A. Not count it and send them a letter. 22 Q. So it would become a provisional ballot? 23 A. Yes. 24 Q. And you would send them a letter? 25 A. Yes.</p>	<p style="text-align: right;">Page 121</p> <p>1 the same month, date and year are described in both 2 documents. When comparing dates of birth where one or 3 both dates are expressed using only numerals, the date 4 should be found comparable if one document expresses the 5 date in a month, day, year form and the other document 6 expresses the same day in the day, month, year form. 7 Did I read that correctly? 8 A. I think that's what it says. 9 Q. Thanks. In your experience, have you ever seen an 10 instance where a voter puts the correct month and day, 11 but puts the present year instead of putting the year 12 they were born? 13 A. I have. No, I haven't, not the same day. They'll 14 put the current date in the spot. 15 Q. Current date? 16 A. Or not any date. 17 Q. Instead of their date of birth? 18 A. Yes. 19 Q. Okay. In your experience, is this a common 20 mistake for voters to make when filling out paperwork 21 like this? 22 A. No. But it happens. 23 Q. Would you count an absentee ballot that, for 24 example, had the correct date on the application, but 25 had the wrong year on the voter statement?</p>

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1 A. No. Again, who filled it out.
 2 Q. So that is to say you would treat that as an
 3 indicator that somebody else may have filled out the
 4 voter statement?
 5 MR. FORD: Object to form.
 6 A. I would say I don't know. It's not -- I can't say
 7 they compare. They're different. They get a letter.
 8 You know, I say I don't know who filled it out because I
 9 don't know. And, you know, they're at the other end and
 10 nobody is -- words are gone -- notarizing their
 11 signature. It's not done. They're not notarizing that
 12 that's that person.
 13 Q. So you would treat the lack of comparison between
 14 the date of birth in the two documents as an indicator
 15 that somebody else may have filled out the ballot?
 16 MR. FORD: Object to form.
 17 A. No.
 18 Q. All right.
 19 A. It's just not right. It doesn't compare. That's
 20 a question that comes in my mind. But that's not --
 21 they just don't compare, so you can't count the vote.
 22 Q. That's right. So in your view, you're prohibited
 23 from counting that vote?
 24 A. Yeah, they don't compare.
 25 Q. Okay. Do County Board Election Commissioners

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1 receive training on signature matching?
 2 MR. FORD: Object to form.
 3 A. We did receive not matching, no. We did receive
 4 training on comparing. And it's in this guide.
 5 Q. Approximately how much time was devoted to
 6 signature matching or comparing to see --
 7 A. An hour maybe. I don't know.
 8 Q. And that would be one hour out of the one day of
 9 full day training that you receive every two years?
 10 A. Yes.
 11 Q. How would you describe that training or
 12 instruction on how to do the signature comparison?
 13 A. Helpful.
 14 Q. How would you describe the substance of that
 15 training; what did it consist of?
 16 A. Without looking at the forms. Different
 17 signatures and whether they thought they should compare
 18 or not. There were plenty of examples. They went
 19 through that and whether they thought you should compare
 20 or not compare.
 21 Q. Examples of what?
 22 A. Signatures.
 23 Q. What should be found to be compared to compare
 24 and --
 25 A. And what should not compare.

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1 Q. Okay. So for your own process when examining a
 2 signature comparison, what aspects of the signature do
 3 you consider when doing that comparison?
 4 A. Personally I look at them and I take a general
 5 look and see if they look similar. That's what I do.
 6 If they don't look similar, then I look for a reason
 7 they might not. And if they look very different, then I
 8 say there's a problem with it.
 9 Q. And, to your knowledge, is that the same method
 10 that other commissioners and other absentee ballot
 11 clerks use --
 12 A. I didn't ask them their process in their mind.
 13 Q. Sorry. Let me just --
 14 A. Okay. I thought you were done.
 15 Q. No, no. And I can do a better job with the
 16 question. Are you aware of the signature matching or
 17 comparison process used by other county commissioners or
 18 absentee ballot clerks or supervisors?
 19 A. No.
 20 Q. Is that something that you discuss with them?
 21 A. I thought you were talking about other
 22 commissions. You said in there -- sorry. No, I don't
 23 discuss it with the other commissioners on my
 24 commission, yes.
 25 Q. You do or you don't?

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1 A. We do discuss. We look at signatures and all
 2 three of us talk about --
 3 Q. In the context of a specific signature?
 4 A. Yes.
 5 Q. What about the process; do you discuss the process
 6 for doing the signature matching comparison and what
 7 aspects of a particular signature that you look at?
 8 A. We're looking at a specific signature. We discuss
 9 what we see. As far as the process for all of them, we
 10 all had the same training. But I'm not going to tell
 11 them what they need to do, just like they're not going
 12 to tell me. I think it's better to have three points of
 13 view. And each of us will bring up a point that may be
 14 slightly different. And all of those combined come up
 15 with a decision. And then we'll take a vote whether
 16 it's accepted or not. I think that's as close as I can
 17 get.
 18 Q. How much time does it usually take you to compare
 19 a voter's signature on a challenged absentee ballot?
 20 A. I don't know if I can say how much on the average,
 21 because some are much easier than others. Some you look
 22 at and you know it's not. And some you look and you
 23 think about it. So you might do two minutes.
 24 Q. And on average how much time does it take the
 25 other members of the County Board of Election

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1 Commissioners?

2 A. I think we all do it about the same time. We all

3 look at the signature. Because the first thing we'll do

4 is we look at the provisional ballot. Okay. What's the

5 problem. Names don't match. Okay. Names don't match.

6 Let's open it. Let's look at the application. Let's

7 look at the voter statement. Oh, yeah, the last name is

8 not the same. That's real simple. Okay. And then you

9 look at the voter ID and you look at that. And all of

10 this doesn't compare at all, then throw it out. It was

11 a couple of seconds and you're done. Signatures look

12 pretty close. It's a little scratchy over there.

13 Maybe, I don't know, what do you think. Let's look at

14 that. How old are they. Let's look at the rest of the

15 writing on the application and let's see what they look

16 like. Did somebody else fill it out. Did they do that.

17 So you could probably spend a couple of minutes

18 doing that back and forth. And every one of the

19 commissioners looks at it, so it's not -- it's not one

20 commissioner looks at it and says this is what I think

21 or -- because everyone gets to make their own voices.

22 And it's worked real well. Again, this commission has

23 done a very good job, not just on that, but all of the

24 stuff. They bring up points. Not afraid to talk, so

25 that's good.

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1 Q. And thinking back to the State Board of Election

2 Commissioners training on this. The hour of training,

3 would that be an hour of training on absentee ballot

4 procedures overall or specifically on signature

5 matching?

6 A. I think we spent a lot of time on signature

7 matching. This is, again, it's nine months ago, eight

8 months ago, something like that.

9 Q. So part of that hour was for signature matching?

10 MR. FORD: Object to form.

11 A. I don't remember. I think we spent a lot of time

12 on it.

13 Q. So that full day training was on all aspects of

14 the election process, correct?

15 A. That's correct.

16 Q. All right. And approximately an hour spent on

17 absentee ballot procedures in general?

18 A. I don't remember. I think it was more than that,

19 but I don't know. There was a lot pages on it, so sure.

20 Q. And in addition to the written materials that

21 we've reviewed from that training, have you received any

22 other written materials on signature matching?

23 A. I don't recall.

24 Q. Have you received any other training on signature

25 matching besides that training?

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1 A. Not that I recall.

2 Q. When you conduct the signature matching process,

3 do you consult the materials that are provided to you by

4 the state?

5 A. Not anymore.

6 Q. Okay. Turning back to Plaintiff's Exhibit 3 on

7 page 88. That's the best practices. The voter's

8 signature section states, The voter's signature should

9 be found comparable unless the signature on the voter

10 statement is sufficiently dissimilar to the signature on

11 the absentee ballot application, so that the reviewing

12 officials are left with an abiding conviction that the

13 signatures being compared are written by two different

14 people. Did I read that correctly?

15 A. Seems to be.

16 Q. If the reviewing officials -- sorry. The

17 reviewing officials reject an absentee ballot on the

18 basis of dissimilar signatures, and the officials should

19 document in writing the reason for the signature was

20 found to be not comparable. The following,

21 non-exhaustive, categories should be considered in this

22 analysis. And then it lists spacing, overall spacing

23 and internal spacing of words and letters, type of style

24 or writing, speed of writing, size and proportions of

25 words and letters, spelling, slant of writing, curves,

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1 loops and cross points, presence or absence of pen lifts

2 and beginning and ending strokes. Did I read that

3 correctly?

4 A. Sounds like it.

5 Q. Back to Plaintiff's Exhibit 4, the Bates stamp

6 ending in 951, Absentee ballot comparisons. So if you

7 were reviewing these two signatures, would you determine

8 that they were sufficiently dissimilar?

9 A. Martha Jacobson or Jacobson, yes, I would say

10 they're dissimilar.

11 Q. Why is that?

12 A. There's considerable difference in the M, the R

13 and also the compactness of the letters in Jacobson.

14 But the whole -- the whole signature looks like the

15 slants are different too.

16 Q. So in conducting this comparison would you refer

17 to the voter's age?

18 A. I would look. I don't think that's the problem

19 with this one though.

20 Q. But if --

21 A. Because this signature, if I'm just looking at it,

22 looks like somebody was very careful in writing it.

23 Q. Which signature?

24 A. The second one.

25 Q. Second one.

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1 A. The first one looks like a normal signature.
 2 Q. And if you -- so you said that you would look at
 3 the voter's age in doing --
 4 A. I would look at it, sure.
 5 Q. And if the voter was an older voter --
 6 A. I would say they didn't write it, in my mind.
 7 Q. So even if the voter was an older voter in this
 8 case, you would say they are sufficiently dissimilar to
 9 reject?
 10 A. Yeah. I think an older voter wouldn't write like
 11 that, the Martha R Jacobson, the second one.
 12 Q. And what is the basis for that determination?
 13 A. Have you watched older people write? Is their
 14 signature smooth and well defined and no lift or
 15 anything like that.
 16 Q. Well --
 17 A. I think it's not.
 18 Q. As you stated earlier, certainly voter signatures
 19 or people's signatures change as they get older. Is it
 20 possible that an older voter would be careful to write
 21 their signature clearly?
 22 MR. FORD: Object to the form.
 23 A. Anything is possible, but that doesn't make it
 24 true. But I don't think that's an older voter. I don't
 25 know how old that person was but --

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1 Q. Well, assuming that you did look for this
 2 particular voter --
 3 A. Uh-huh. If the person is 105, I still wouldn't
 4 think they wrote that right side.
 5 Q. And what would be the basis for that?
 6 A. Because the signature is too clean, too nice.
 7 Q. All right. Let's turn the page two pages ahead to
 8 Bates stamp 953. And if you were reviewing these two
 9 signatures, would you determine that they were
 10 sufficiently dissimilar?
 11 A. They are dissimilar. They would not be counted.
 12 Q. And what would be the basis of that determination?
 13 A. Well, look at the way the Rs are made. Look at
 14 the way the Bs are made. Those are two obvious things.
 15 look at the way the tail is on the H is different. And
 16 then the slope is different also.
 17 Q. And if you were comparing these two signatures,
 18 would you consider the voter's age?
 19 A. I think, again, any time I reject one I would look
 20 at voter's age. But I don't think that's the situation
 21 there either. But it might make a difference on this
 22 one. It's more so on this, but it's a whole completely
 23 different style of writing, so I doubt it.
 24 Q. But you said it might be more likely to make a
 25 difference --

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1 A. This than the prior one.
 2 Q. Okay. And what kind of difference might it make;
 3 what would be -- what would be the age at which you
 4 might say --
 5 A. I don't know. I don't know that it would. I'm
 6 just telling you I would look at the age.
 7 Q. Okay.
 8 A. I don't think that's an age change either.
 9 Q. Okay. Turning back to Plaintiff's Exhibit 5. And
 10 that was the Poll Worker Training. On page 145.
 11 A. Page 145?
 12 Q. Yeah, page 145. It's titled, Validity of absentee
 13 ballots. And do you see the third bullet where it says,
 14 Election officials are not handwriting experts?
 15 A. Yes.
 16 Q. So what is a handwriting expert?
 17 A. A handwriting expert would do a whole lot of
 18 detail with a scope and look at all the ink spacings and
 19 all kinds of stuff like that.
 20 Q. Have you received any --
 21 A. I have, but it doesn't make any difference.
 22 Q. I'm sorry.
 23 A. I'm sorry.
 24 Q. Have you received any training on expert
 25 handwriting analysis?

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1 A. I have. It doesn't make any difference because I
 2 don't count on that but I have.
 3 Q. You have, you personally have?
 4 A. I used to work for International Printing, Inc.
 5 And I was in charge of making ink. So yes, we did a lot
 6 of handwriting analysis back in the day.
 7 Q. When was that?
 8 A. In the seventies, early -- late sixties. It's
 9 been a long time.
 10 Q. And what did that training consist of generally?
 11 A. I don't know that we were trying to match
 12 anything. We were just trying to see how people were
 13 writing and how the inks worked with the -- with their
 14 styles. But I didn't use any of that here. Those are
 15 obviously different, and that's what I was doing. And
 16 you saw how quickly I decided that. It's not -- I
 17 didn't do any analysis or try to come up with that.
 18 Q. So you're at least somewhat familiar with training
 19 required to be a handwriting expert?
 20 A. Oh, yeah.
 21 Q. Would you consider yourself a handwriting expert?
 22 A. No.
 23 Q. Okay. So would you say that you're familiar with
 24 the rules governing signature matching in Arkansas?
 25 MR. FORD: Object to form.

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1 A. I'm familiar with it. Like I said, I've forgotten
 2 a lot in the last -- so I have to go back and look
 3 sometimes. When I read it, then I go back and, oh,
 4 yeah, I remember that.
 5 Q. You believe that it's important to be able to make
 6 these comparisons as a way to verify a person's
 7 identity?
 8 A. Yes.
 9 Q. And why is that?
 10 A. Because you don't want somebody voting that's not
 11 qualified to vote. You don't want somebody to vote, and
 12 I'm going to use the morbid side, their husband or
 13 wife's death, and then they go ahead and vote anyhow. I
 14 mean, there's all kinds of things.
 15 Q. But it's fair to say you believe that it's
 16 important to be able to make these comparisons
 17 accurately?
 18 A. Yeah. I think I just did.
 19 Q. And is that because making an accurate comparison
 20 ensures that the person who is voting is the person
 21 who's supposed to be voting?
 22 A. I think making an accurate comparison is
 23 important. If you're going to do a job, you do it
 24 right. I mean, whether it's the person voting or
 25 whatever it is, you do it right. And so you do it. And

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1 that's part of that. And that's why there's training is
 2 to help us learn how to do that.
 3 Q. Is it also important because an accurate
 4 comparison ensures that a voter who casts a ballot, the
 5 correct voter, eligible voter casts a ballot and to
 6 ensure that that ballot would be counted?
 7 A. Well, the assumption is the right person -- the
 8 person who asked for it sent it. And the problem is
 9 when they don't compare, or the addresses don't compare,
 10 or the names don't compare, then you reject it because
 11 it's not valid. There's a problem with that ballot. So
 12 you can't count it, you know. And again, like I said
 13 before, if you let somebody vote, whether they're an
 14 illegal alien or an illegal voter or a person that votes
 15 twice because they're afraid their absentee ballot won't
 16 come in. If you count more ballots than they're
 17 supposed to, you're diluting everything else's ballot.
 18 And that's not fair to me or you or anybody else sitting
 19 here. We all should have the same rights. It's one
 20 person one vote, that's it.
 21 Q. Sure. And for an eligible voter who casts their
 22 ballot, for that -- for that ballot not to be counted,
 23 they wouldn't get any vote in that election; is that
 24 correct?
 25 A. That's correct. And here's the importance of

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1 that. In you're a voter and you're really concerned
 2 about voting, wouldn't you follow the rules to make sure
 3 your ballot gets counted. Wouldn't you read the
 4 instructions and fill it out and include your voter ID.
 5 I mean, that's part of your responsibility as a voter.
 6 You know, we're not supposed to go around and just say
 7 willy-nilly everybody gets to do this. You know, you
 8 have to be qualified. You have to be 21 years old, a
 9 registered voter, live in the county or whatever other
 10 stuff. So all that stuff has to be there.
 11 Q. With respect to the signature match, in
 12 particular, is it possible that a voter could sign their
 13 voter statement, and have that show up as a mismatch,
 14 and have their ballot be rejected, even though that's
 15 the correct voter?
 16 MR. FORD: Object to form.
 17 A. I don't think it is. From what I've seen, the
 18 signatures are so different, that it's just -- like I
 19 said, we don't just vote no. We only do that if there's
 20 a considerable difference.
 21 Q. Is it possible that a voter's signature changes
 22 over time?
 23 A. I've already said that it does.
 24 Q. So is it possible that a voter's signature might
 25 show up as a mismatch when, in fact, it was the correct

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1 voter?
 2 MR. FORD: Object to form.
 3 A. I don't think it changes that much. I don't know.
 4 Is it possible. Again, everything is possible.
 5 Q. Do you expect that a person who is actually trying
 6 to forge another person's signature would be able to
 7 match the signature of an individual by looking at the
 8 other signature?
 9 MR. FORD: Object to form.
 10 A. I'm not a handwriting expert. I don't know. As I
 11 recall, most people that try to forge them actually are
 12 again too careful.
 13 Q. Has there ever been a circumstance in which you
 14 have determined that somebody was trying to forge
 15 someone's signature and that was actually confirmed?
 16 A. No. I don't know. That's -- well, no, I can't
 17 say either way.
 18 Q. So what's the basis for your statement that in
 19 your experience people who are trying to forge a
 20 signature are typically too careful?
 21 A. I've had a lot of jobs in my time. I can go back
 22 and I can think directly back to the Army. I was a
 23 personnel management specialist. Handled personnel
 24 records. People would try to forge records.
 25 Q. So you're familiar with forged signatures from

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1 your experience, your past experience?
 2 A. Way back when, yeah. I don't know how -- what it
 3 affects now, but we also have people sign contracts all
 4 the time. And I've been to court over that. So I
 5 have -- I can recall one where a mother signed a paper
 6 and said it was her son, and then said no. And then the
 7 son forged the mother's name. And he went to jail. And
 8 there was a judgment against him too. And it was
 9 forged.
 10 Q. Do you know whether the State Board of Elections
 11 has changed its guidance on signature match comparisons
 12 since 2020?
 13 A. I don't know. This is a 2022 book, I think, isn't
 14 it? Yeah.
 15 Q. Are there other ways that you could verify whether
 16 a particular voter submitted an absentee ballot besides
 17 signature matching?
 18 MR. FORD: Object to form.
 19 A. I don't understand your question.
 20 Q. Well, for example, besides -- besides comparing
 21 the signature or -- scratch that.
 22 In the case of a voter where you have made the
 23 determination that the signatures don't match and
 24 they're sufficiently dissimilar that they should be
 25 treated provisionally, is there any other way for you to

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1 verify that it was, in fact, that voter that casts that
 2 ballot?
 3 A. If they get a letter, they can come into a hearing
 4 and they can confirm that it was them. That's one of
 5 the things we can do at a hearing. It's not voter ID.
 6 Q. So all of those voters would receive a notice and
 7 they would be able to appear --
 8 A. Again, everybody that is put provisional and their
 9 ballot is not counted gets a letter. So they can come
 10 to a hearing, yes.
 11 Q. Could you call up that voter and ask them to
 12 confirm whether they, in fact, submitted an absentee
 13 ballot?
 14 A. I don't think that would be very -- that would
 15 never hold in a court of law, would it. I'm going to
 16 call somebody, oh, that guy answered the phone at the
 17 number I called, and he said he was him and has
 18 submitted the ballot. You think that would hold up in
 19 court. I don't think so. And I'm not a lawyer.
 20 Q. So could you call up a voter if there was a
 21 signature match issue the same as you could call up a
 22 voter --
 23 A. I don't think I should.
 24 Q. Let me finish the question.
 25 A. I'm sorry.

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1 Q. Could you call up a voter who had a signature
 2 match issue, the same way you call up a voter that had a
 3 photo ID issue?
 4 MR. FORD: Object to form.
 5 A. I don't think -- I don't think that would make any
 6 sense. Why would I call them.
 7 Q. Well, again, I think you said the purpose of the
 8 signature snatch is to ensure that the voter whose
 9 ballot you're counting is actually the voter who's
 10 requested it and the eligible voter whose name is being
 11 used?
 12 A. But if I called them, I wouldn't know who answered
 13 the phone. I wouldn't know their voice. They could say
 14 whoever they were. You know, this is Mike at the County
 15 Election Commission. We're checking on this ballot.
 16 Did you submit a ballot? Oh, yeah, I submitted it.
 17 Does that prove anything. I don't see that it does. I
 18 think that's -- you're just spinning your wheels. I
 19 think there's no advantage to doing that. I think the
 20 whole idea of the hearing is the way to do it. Hey, we
 21 got a ballot here, and we don't know what the problem
 22 is. And it doesn't seem to be you. Can you come in and
 23 tell us about it.
 24 Q. I know we talked about this earlier. So but in
 25 your opinion, the only way for the voter to verify that

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1 that signature or that that ballot is actually theirs is
 2 to perform the signature in front of the commission?
 3 MR. FORD: Object to form.
 4 A. I don't know that that is. I said that's a
 5 hypothetical. I don't know. We'd come in and we'd
 6 decide at that time. You know, the other possibility in
 7 this that would pass it right away is, at least in my
 8 mind, does the driver's license match the signature
 9 on -- or the ID match the signature here, but then why
 10 didn't it match over here. Did they not request a
 11 ballot. So you haven't answered the question even if
 12 they said they submitted the ballot. Because who
 13 requested the ballot, the application, ballot
 14 application, if the signature matches the driver's
 15 license. So I think a hearing is probably the most
 16 effective way to make that work.
 17 Q. And apart from the administrative challenges that
 18 you mentioned, if Jefferson County did the signature
 19 matching comparison in advance of election day, up to
 20 seven days before election day, could the notice be
 21 provided to voters in advance of election day, that they
 22 need to cure their signature match issue?
 23 A. I think that would be a great problem. Again, I
 24 went through all that. We only have so many people.
 25 Q. Apart from those, apart from those issues,

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1 would -- this would give the voter extra time to cure
 2 their signature, correct?
 3 A. Why do they need extra time. Is 9 or 10 days not
 4 enough.
 5 Q. Well, presumably if they couldn't appear at the
 6 designated time for the meeting for whatever reason,
 7 they would have more time to find another time to appear
 8 and cure their signature?
 9 A. But we're still only going to have one hearing.
 10 So how would it work. Even if I sent it to them a week
 11 ahead, the hearing date is still going to be the same
 12 date. I'm not going to told two hearings.
 13 Q. Do other provisional ballot voters, for example,
 14 for an ID, do they have to appear at the hearing or
 15 report --
 16 A. For an ID they do not. But everything else they
 17 have to appear.
 18 Q. Is there a specific time that they have to appear,
 19 or can they appear at any time between election day and
 20 the Monday after election day?
 21 A. No. They have to appear at the hearing, because
 22 the commission has to decide.
 23 Q. For the voter ID provisional ballot?
 24 A. Voter ID they can present a voter ID because we
 25 have a physical voter ID. And then if it matches the

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1 application and the voter statement, then we've got it.
 2 This name and this address and this is the person.
 3 We've got it. So we know that's the person. And that's
 4 the same person that signed the application, and the
 5 same person that asked for the -- sent in the statement.
 6 Q. So for those voters, for voters who have a
 7 provisional ballot because of an ID issue, is there a
 8 specific time that they have to appear, or is there a
 9 deadline for them too?
 10 A. The deadline is noon on Monday.
 11 Q. And so they can appear at any time before that
 12 deadline?
 13 A. That's correct. Because they don't have to appear
 14 before the commission. But anybody that has the hearing
 15 has to report -- appear before the commission. So
 16 therefore it's a set time and day. I'm not going to be
 17 in a meeting 24/7. And that's the only way they could
 18 come. Because they can't come and get in front of my
 19 coordinator and say, well, this, I'm going to approve
 20 this as me, or I'm going to cure this situation. I've
 21 got to have three commissioners, at least two, but
 22 preferably three. I want them all there. And so if I
 23 set the time a week or two weeks before the election --
 24 actually we do it a couple of weeks ahead, because that
 25 way if anybody appears and goes provisional, whether

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1 it's early voting or on election day, they already get a
 2 letter from us that day, you're a provisional ballot,
 3 here's when the hearing is going to be. So that's
 4 already out there if it goes. Now, absentee, I can't do
 5 that, you know, can't do it. But they're still going to
 6 have to show up. If they do the voter ID it's not a
 7 problem. It's by a time certain. But for the other
 8 it's got to be a hearing in front of the commission.
 9 So are you wanting us to meet seven days a week.
 10 What time are we going to meet them, you know. Like I
 11 said, we're not going to do that, because we get paid,
 12 but we're all volunteers basically, you know. We put in
 13 a lot more time than we get paid for. And we all have
 14 other jobs to do, you know. And we may push them aside
 15 for a while. But we can't just walk away from them for
 16 a week or whatever time that is. It just makes -- and
 17 again, there should be some responsibility on the voter.
 18 That voter is the one that's responsible to make sure
 19 they're doing their job. And by giving them a hearing
 20 date, we're making sure that they have the option to
 21 cure that.
 22 Q. And again, why does Jefferson County provide all
 23 provisional ballot voters with notice and an opportunity
 24 to appear at the commissioner hearing?
 25 A. We do it because we think it's the right thing to

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1 do. I don't know. It may be law, but it's just what we
 2 do.
 3 Q. Are you aware of other counties that do this
 4 same --
 5 A. I'm not aware of what other counties do at all.
 6 Q. Do you know if the State Board of Election
 7 Commission is aware that the Jefferson County Board of
 8 Election Commissioners does this process?
 9 A. I would think they would be. I don't know for a
 10 fact. I know I've discussed it with them. And I would
 11 think other counties do that too. But I don't know.
 12 Again, I'm just telling you what I think.
 13 Q. So even if it weren't required, you would do it
 14 anyway?
 15 A. Absolutely.
 16 Q. Why?
 17 A. Because it's the right thing to do.
 18 Q. Why is it the right thing to do?
 19 A. Because if they're eligible to vote and actually
 20 qualified, they should get their vote counted. And if
 21 they're not, they won't. Now, let's flip that over.
 22 How many people show up at a hearing. How many do you
 23 think went to the hearing that we held for the general
 24 election this year?
 25 Q. How many?

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1 A. Zero.

2 Q. Out of all the provisional ballot votes?

3 A. Out of all the provisional ballots there were

4 zero.

5 Q. And approximately how many provisional ballots

6 were there?

7 A. Approximately 200.

8 Q. And all of these received a letter of notice?

9 A. Absolutely. Now, we did get voter ID. And I

10 would say we probably got, this is just rough numbers

11 and just guessing, 20 or 25 voter IDs. But generally,

12 this is just maybe what happens, they don't want to show

13 up. Now, we have had people show up. And I think 2020

14 was one of them we had some hearings that we had some

15 people show up. And I can remember two people that were

16 there for sure. And we ended up counting both of those.

17 They appeared, they present their information, and the

18 commission voted to approve them.

19 But in my history or information that's happened,

20 once they voted they're done with it. They don't want

21 to come back. They don't want a hearing. They don't

22 want any of that stuff. That's just unless you're --

23 unless you're a patriot, serious, I don't know what the

24 word is, you know. I would go if it were me. I know

25 people that would go too. But we're probably -- this is

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1 just -- now, I'm talking for myself, just my thoughts,

2 and maybe I shouldn't, but I am.

3 Q. Okay.

4 A. The people that are really serious about voting

5 that know what they want to vote for, will do everything

6 they can to make sure it's right. And the people that

7 just go to vote, maybe aren't so concerned about it. I

8 don't know if that's true or not, but that's just my

9 feeling. And the feeling I get from not showing up at a

10 hearing kind of tells me that. I don't know.

11 Q. But as you said, it's important to provide them

12 the opportunity?

13 A. Absolutely. That's -- that's part of why I'm on

14 the commission like I said, I started the secure rooms.

15 We did all this stuff. There's a lot of things that are

16 different since I've been on there, so yes.

17 Q. Thank you. And I have -- I don't have a whole lot

18 more. But it is 1:30. And I want to see if we want to

19 take a break and get some food?

20 A. I think it's 12:30. I think you're still on --

21 Q. My phone says 12:30. My computer says 1:30. So

22 let's take a short break. And do you want to take a

23 short break and try to finish, or do you want to take a

24 lunch break?

25 MR. FORD: Short break.

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1 A. Short break if that's -- how much more time do you

2 think we got?

3 Q. Well, so our discussion has been very, very

4 helpful. And that's probably why it's probably gone a

5 little bit longer than I had planned. I have some

6 individual ballots I'd like to look at. So it's hard

7 for me to provide an estimate. I don't want to -- I

8 don't want to --

9 A. Okay. I'd say short break.

10 Q. Okay. How much time overall, you want to take 10

11 minutes?

12 A. Okay.

13 Q. Or five minutes.

14 A. Five minutes is all right.

15 THE VIDEOGRAPHER: We're going off the

16 record. The time is approximately 12:39 p.m.

17 (A recess was had.)

18 THE VIDEOGRAPHER: We are back on the

19 record. The time is approximately 12:51 p.m.

20 BY MR. SNOW:

21 Q. Thank you. So we're going to look at some

22 specific absentee ballots cast by Jefferson County

23 voters that were rejected. So I'm going to hand you

24 what I'm going to mark as Plaintiff's Exhibit 7.

25 (Plaintiff's Exhibit 7 was marked for

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1 identification.)

2 A. Is this for 2020 election?

3 Q. Yeah.

4 A. Okay.

5 Q. First take a look at this. And do you recognize

6 this document?

7 A. I do.

8 Q. And what is it?

9 A. Provisional voter list.

10 Q. Specifically for?

11 A. General election 2020, absentee.

12 Q. Thank you. And so just as the title, and I know

13 we discussed some of this, what is a provisional voter?

14 A. A voter whose original ballot was not accepted.

15 Q. And all provisional ballots are curable; is that

16 correct?

17 A. Theoretically, yes.

18 Q. And just looking briefly at this list, are all of

19 the ballots listed here curable?

20 A. It looks like none of them were curable.

21 Q. But they could have been cured?

22 A. I would assume so.

23 Q. The --

24 A. I don't have the provisional ballot envelope,

25 which would be -- tell me more. But okay.

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1 Q. The last column on the right is labeled, If not
 2 counted, reason?
 3 A. Uh-huh. Yes.
 4 Q. So if the reason is birthdate and signature does
 5 not match, is that a curable ballot?
 6 MR. FORD: Object to form.
 7 A. It would have been curable if they -- it would
 8 have been curable at the time, yes, if they would have
 9 provided -- come in for a hearing.
 10 Q. Yeah, that's my question is not whether it's
 11 curable now but if --
 12 A. Yeah. If they come for a hearing, yeah.
 13 Q. And if it says the reason is, Address does not
 14 match, that's something that would have been curable?
 15 A. I would think so. It's --
 16 Q. And if the reason -- sorry. You can finish your
 17 answer?
 18 A. Well, again, without the provisional ballots, I
 19 can't tell you for sure. Because the provisional ballot
 20 envelope tells me more about it. It gives me the
 21 reasons of what's going on, the investigation kind of
 22 information.
 23 Q. And thanks. That is one more question from
 24 earlier. You mentioned that all of the absentee ballots
 25 that are at risk of rejection are converted into --

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1 A. Provisional.
 2 Q. -- provisional ballot. And does that mean that --
 3 how does that work logistically, does that mean that
 4 there's another form or something that's created to go
 5 with them that has any statements on it?
 6 A. We have an envelope that all of that voter
 7 information goes into. And on the face of it it says
 8 why it was rejected. And then it has room for the clerk
 9 to go and tell us it was -- if the voter was a
 10 registered voter and eligible, if they registered soon
 11 enough, what his correct address is on the voter
 12 registration, all that stuff, yes.
 13 Q. Okay. So each absentee ballot then would have its
 14 own unique envelope with that information on it?
 15 A. Yes.
 16 Q. Okay. And is that envelope similar to other
 17 provisional ballots, or is that just for absentee
 18 ballots?
 19 A. All provisional ballots are the same envelope.
 20 Q. Okay. So moving down the line. If it says the
 21 reason for rejection is no signature on application,
 22 would that have been a curable ballot?
 23 A. Yes.
 24 Q. If the reason is did not return voter statement,
 25 would that have been a curable ballot?

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1 A. Yes.
 2 Q. If it says here, No ID, did not return voter
 3 statement, would that have been a curable ballot?
 4 A. Returned ID by that Monday at noon. And then came
 5 to the hearing for the voter statement.
 6 Q. And turning to the next page. The reason is
 7 signatures do not match. Would that have been a curable
 8 ballot?
 9 A. Again, if they showed up at the hearing there's
 10 something we could do.
 11 Q. And then if it says, incomplete voter statement,
 12 would that have been a curable ballot?
 13 A. Yes, if they came to the hearing.
 14 Q. Thank you. Then looking at the column just to the
 15 left, Vote not counted. Were all of these voters
 16 ultimately rejected?
 17 A. It looks like all of them were rejected, yes.
 18 Q. Okay. So I know we've touched on this a couple of
 19 times before, but I want to just ask again. How would
 20 you describe the process for considering these ballots
 21 and whether they should be counted?
 22 MR. FORD: Object to form.
 23 A. Would you pick one out in particular or do you
 24 want me just to be general?
 25 Q. You know, I think we've covered, I think we've

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1 actually covered that in enough detail at the point. So
 2 I think I'm going to move to a different exhibit, which
 3 I think might help drill down one aspect of this. So
 4 I'm actually going to mark this as Plaintiff's Exhibit
 5 16.
 6 (Plaintiff's Exhibit 16 was marked for
 7 identification.)
 8 Q. Please take a moment to review that. Do you
 9 recognize this mail exchange?
 10 A. Not really. But that doesn't mean it's not there.
 11 So it looks like something I would see.
 12 Q. So looking at the subject of the email, the
 13 subject is, Next up. And the mail from Stu Soffer --
 14 A. Uh-huh.
 15 Q. -- begins November 13 meeting. And on the first
 16 number below that is, Hearing for anyone who shows up
 17 for one. Cannot accept photo ID at this late date. So
 18 this email is referring to the board meeting at which --
 19 A. We call it a commission meeting.
 20 Q. This is the commission meeting that you mentioned
 21 earlier that takes place 8 to 10 days after the
 22 election; is that correct?
 23 A. I believe it looks like it. Let's see. I'm
 24 not -- it says --
 25 Q. That first bullet is, Hearing for anyone who shows

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1 up to one.
 2 A. Yes.
 3 Q. That refers to the commission meeting --
 4 A. Yes.
 5 Q. -- where provisional ballot voters can come and
 6 cure their ballot?
 7 A. Yes.
 8 Q. And then when it says, Cannot accept photo ID at
 9 this late date, that refers to the Monday deadline --
 10 A. That is correct.
 11 Q. Let me finish. That refers to the Monday deadline
 12 for photo ID provisional ballots?
 13 A. Yes.
 14 Q. Okay. That's helpful. Let's look at what I'm
 15 going to mark Plaintiff's Exhibit 15.
 16 (Plaintiff's Exhibit 15 was marked for
 17 identification.)
 18 A. This was -- this was correcting the minutes is why
 19 I sent that, as I recall. This was the corrected one
 20 sent out.
 21 Q. The corrected minutes of the November 3rd
 22 meeting?
 23 A. Yes.
 24 Q. At which you discussed the November 3rd meeting?
 25 A. That's right.

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1 Q. I'm moving on to what I've marked as Plaintiff's
 2 Exhibit 15. Please take a moment to review this
 3 document. So do you recognize this document?
 4 A. No.
 5 Q. Who all uses the Jefferson County Election --
 6 A. The coordinator usually sends the mail out.
 7 Q. Sorry. What all uses the Jefferson County
 8 Election Commission email address?
 9 A. The coordinator.
 10 Q. And does that also include the county
 11 commissioners?
 12 A. No.
 13 Q. So you would send it from your personal or your
 14 individual --
 15 A. I would send it from lelectioncommission -- my
 16 mail address is lelectioncommission@gmail.com. That's
 17 where it would have been sent from if I sent it.
 18 Q. So --
 19 A. Excuse me a second. If you look at this one it's
 20 on it on the top. Sorry. Go ahead.
 21 Q. Sure. So the exchange at the top of the first
 22 page starting with, Dear Election Commission, it states,
 23 Dear Election Commission, my sister, Susan Marshall, had
 24 her absentee ballot rejected due to the voter statement
 25 being incomplete, no address on voter statement. It

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1 does not include a notification to appear on
 2 November 13th. Is she still able to appear on the
 3 13th to correct this? And it goes to state, She is a
 4 specialist needs individual and this has really bothered
 5 her, as it was the first time she has ever absentee
 6 voted in Arkansas. Blessing, Pastor Marshall.
 7 And then the response from the Jefferson County
 8 Election Commission above that states, Yes, she can come
 9 November 13th, 2020 at 6:00 p.m. Did I read all that
 10 correctly?
 11 A. Sounds like it.
 12 Q. Okay. So if this voter, Susan Marshall, were able
 13 to appear on November 13th at 6:00 p.m., they would
 14 have been able to cure their voter statement?
 15 A. Yes. My question, how did she know there was a
 16 meeting on -- a hearing on the 13th if she didn't get a
 17 notification? That just comes to mind quick. Obviously
 18 somehow she knew about it.
 19 Q. Right. So Pastor Marshall states that the notice
 20 that her ballot was being rejected did not include a
 21 notification to appear on November 13th. But it
 22 should have -- it should have included that information,
 23 based on your experience with --
 24 A. Exactly. And I don't know how it -- how did they
 25 even know there was a November 13th hearing. How

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1 would he be able to ask or she be able to ask is she
 2 still able to appear on the 13th to correct this. Does
 3 that make sense?
 4 Q. Yeah.
 5 A. How do you know to do that. Why are you asking.
 6 But anyhow, yes, it could have been cured.
 7 Q. Apart if the notice provided to voters, is there
 8 any other means through which the commission publicizes
 9 the commission meeting on the 13th and send out that
 10 voters can --
 11 A. We send a FOIA notice. And that goes out to
 12 anybody that requests one as well as the news media,
 13 "The Pine Bluff Commercial", which is now part of the
 14 "Arkansas Democrat-Gazette", a couple of radio stations.
 15 And I have a list probably 50 or 60 people that are on
 16 the FOIA notice that I send out.
 17 Q. And that notice would include the date and time of
 18 the meeting?
 19 A. It would.
 20 Q. And it would include that voters whose ballot is
 21 at risk of rejection can come and cure their ballot at
 22 that meeting?
 23 A. Well, it would be on the agenda list on that. But
 24 that wouldn't be out -- what's the date -- this is
 25 November 6th. It wouldn't have been on that, because

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1 that's not out -- notice wouldn't have been sent out by
 2 them.
 3 Q. So --
 4 A. I don't know.
 5 Q. So earlier you said it's the day after election
 6 day that the commission meets --
 7 A. That's correct.
 8 Q. -- to look at the provisionals?
 9 A. Yes.
 10 Q. And it's on that date or it's the next day that
 11 the notices get sent to voters?
 12 A. The day after the election is when the notices get
 13 sent.
 14 Q. Okay. So the notices would be sent out on
 15 Wednesday which in this --
 16 A. That's correct.
 17 Q. -- would have been the 4th. And then at what date
 18 does the commission announce the date and time for the
 19 meeting to come cure the ballots?
 20 A. Actually we announce it before the election. And
 21 if you vote in person or early vote, and your ballot is
 22 considered provisional at that time, you already get a
 23 notice then of when that would be. But absentee, we
 24 would have to get the absentee ballot and send a letter
 25 back, because they wouldn't get a notice, because they

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1 weren't at a poll site.
 2 Q. So the notice that you mentioned that you provide
 3 to news media, when is that notice sent, is that usually
 4 sent out before the election?
 5 A. Not for this, no.
 6 Q. So the notice announcing the date and type of a
 7 cure meeting --
 8 A. It's usually about 48 hours before the meeting.
 9 Q. All right. So that date and time isn't announced
 10 until 48 hours --
 11 A. Right. Because I don't call the meeting until
 12 it's close in case something else is going on or
 13 whatever. And plus, it's in -- it's in the awareness
 14 right then, because news media get it two weeks ahead of
 15 time they'll forget all about it. And the local paper
 16 usually publishes it, even though it's an online notice
 17 now, but.
 18 Q. Gotcha.
 19 A. And the radio stations do that also.
 20 Q. Thank you. Do you know if -- do you recall if
 21 Susan Marshall did appear at that meeting?
 22 A. I don't recall. Is she on that list?
 23 Q. She does not appear to be on the list. So --
 24 A. She must have either appeared or whatever.
 25 Q. Turning back to -- turning back to Plaintiff's

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1 Exhibit 16. Take a look at that. You don't see Susan
 2 Marshall's name on that list?
 3 A. That's 7 I don't see her name on the list. 16 is
 4 the email.
 5 Q. I'm sorry. 7, yeah, correct. 7 is the list of
 6 provisional voters. And you don't see that Susan
 7 Marshall's name is listed on this list?
 8 A. I do not.
 9 Q. Okay.
 10 A. So assumption is a bad thing, but I'm going to
 11 assume her vote got counted. Also, if we determine
 12 we're going to count the vote after a hearing or
 13 whatever, we'll send them a letter that we counted their
 14 vote.
 15 Q. Okay. Good.
 16 A. That was a question in the lawsuit, they said they
 17 don't know. I'm going, if we're going to count their
 18 vote we tell them that.
 19 Q. For the voters who don't -- for the voters who
 20 don't appear do you send out --
 21 A. Yes.
 22 Q. -- that their vote is not counted?
 23 A. I believe that's true. I believe that's how we've
 24 handled that. And again, that's -- I don't do it
 25 personally, so sometimes -- I'm pretty sure that's what

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1 I told Tameka to do, yes.
 2 Q. And who determines the form of the notice that's
 3 given to voters?
 4 A. Our co-coordinator, Tameka Reed, usually does
 5 that. It's something we've been doing for years, but
 6 yes.
 7 Q. Do you recall, has that been going on as long as
 8 you've been on the commission?
 9 A. We've always sent a letter. I don't know if we've
 10 sent it to everybody or not. I cannot recall.
 11 Q. So one of the coordinators is the one who
 12 determines the form of the letter provided to voters?
 13 A. Yes.
 14 Q. And is that something that the commission would
 15 vote to approve or --
 16 A. Yes, we approve.
 17 Q. Okay. I'm going to mark this as Plaintiff's
 18 Exhibit 8.
 19 (Plaintiff's Exhibit 8 was marked for
 20 identification.)
 21 Q. Please take a moment to review it.
 22 A. Okay.
 23 Q. So what is this document?
 24 A. Voter statement and application for absentee
 25 ballot.

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1 Q. And it looks like these are two different voters.
 2 The first pages correspond with Eddie Bray, and the next
 3 two correspond with Linda Manning; is that correct?
 4 A. Yes.
 5 Q. So let's take them one by one. The first two
 6 pages correspond with Eddie Bray. Was this vote
 7 counted?
 8 A. No.
 9 Q. And why wasn't it counted?
 10 A. The address did not compare or match.
 11 Q. And what was the basis for that determination?
 12 A. 2714 Belmoor and 2514 Belair.
 13 Q. So could the voter have cured this ballot?
 14 A. Yes.
 15 Q. What would they need to do to cure the ballot?
 16 A. Come in and show us why the addresses were
 17 different or what happened.
 18 Q. So if they had been able to explain why the
 19 addresses were different, that would have been
 20 sufficient?
 21 A. I think so. I think this was back when we used to
 22 take voter statement. And it was okay if they just
 23 signed and said they agreed with it. So we didn't need
 24 voter ID my guess also.
 25 Q. So in this case they would have just signed

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1 something that said they made an error?
 2 A. Oh, no. They would have had to come in front of
 3 us and shown us what the address is where they live.
 4 Q. Okay. Is it possible that this voter moved in
 5 between when they requested the ballot and when they
 6 returned it?
 7 MR. FORD: Object to form.
 8 A. Again, that's one of those anything is possible.
 9 However, very unlikely.
 10 Q. So what does it tell you about this voter, Eddie
 11 Bray, Jr., that their address is different on the voter
 12 statement versus the application?
 13 MR. FORD: Objection to form.
 14 Q. I can ask it a different way. In your opinion,
 15 does the different address suggest that this ballot was
 16 cast by another person besides the voter?
 17 A. Yes.
 18 Q. Why is that?
 19 A. Well, my -- this is just guessing. So I don't
 20 know and that's probably wrong. But obviously the
 21 addresses are wrong, so the person who filled out the
 22 application and the person who filled out the voter
 23 statement lived at different addresses. And they may be
 24 related, they may not be. It doesn't matter. The
 25 address wasn't the same. So the guidance is you can't

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1 accept it. They still could have come to the hearing
 2 though.
 3 Q. Is the other information the same or does the
 4 other information match?
 5 A. Yeah. But it doesn't say if only three of the
 6 four match or compare, it says all of them, you know.
 7 Q. Okay. Turning to the next set of pages, Linda
 8 Manning. Was this voter counted?
 9 A. It looks like not.
 10 Q. And why was that?
 11 A. The address was not the same. And Linda Manning
 12 lived at 4107 West 17th or 1521 South Maple Street.
 13 Q. And could the voter have cured this ballot?
 14 A. Yes.
 15 Q. By the same process we discussed with Mr. Bray?
 16 A. Yes.
 17 Q. Okay.
 18 A. And I would venture to say the bearer is the one
 19 who caused the problem in the second one.
 20 Q. And what would be the basis for that?
 21 A. It's the signature of a bearer.
 22 Q. So the bearer here would be somebody assisting the
 23 voter with voting?
 24 A. Somebody what?
 25 Q. Somebody who's assisting the voter with voting?

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1 A. Yes, assisting getting the ballot or whatever.
 2 Q. So you think it's possible that in this case the
 3 bearer put an incorrect address on the voter statement?
 4 A. I guess possible.
 5 Q. And if the voter, Ms. Manning, were to have
 6 appeared at the commission meeting, cure meeting, they
 7 would have been -- it would have been sufficient for
 8 them to just tell you that there was a mistake made on
 9 the --
 10 A. Again, I think voter ID -- I mean, some ID would
 11 help.
 12 Q. And so the ID would be showing --
 13 A. Showing an address that matched which one and
 14 explain why it was wrong. Give me some explanation.
 15 Q. Would it have to match either one or did it have
 16 to match one or the other?
 17 A. I think that's the same thing, one or the other or
 18 either one, it's the same.
 19 Q. Either one. So they just have to have some other
 20 piece of documentation that matches one or either the
 21 voter statement or the --
 22 A. Something that's valid voter ID. You know, not a
 23 gas bill or something, it has to be a state-issued ID.
 24 Gas bill wouldn't work.
 25 Q. Thank you. I'll mark the next Exhibit as

<p style="text-align: right;">Page 166</p> <p>1 Plaintiff's Exhibit 9. 2 (Deposition Exhibit 9 was marked for 3 identification.) 4 Q. Please take a minute to review. So what is this 5 document? 6 A. Application for absentee and a voter statement. 7 Q. And was this vote counted? 8 A. I haven't reviewed it enough to tell. Looks like 9 no. 10 Q. And why wasn't it counted? 11 A. The address is different and the signatures did 12 not compare. 13 Q. And how would you describe the basis for the 14 determination that the signatures didn't compare? 15 A. I think it's pretty obvious two different people 16 wrote those, signed them. 17 Q. Why is that, can you describe it further? 18 A. Yeah. Look at B in Barbara. The one on the voter 19 statement is quite written with flourish. The same on 20 the Benton. But in the application neither are so. The 21 slant is also different in the way it's written. 22 Q. So what does the difference in address and 23 signature suggest about this, this ballot? 24 A. Does it suggest. That somebody else filled it 25 out, one or the other.</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. Okay. So was vote counted? 2 A. No. 3 Q. Why not? 4 A. Signatures don't even come close to comparing. 5 And the birthdates are four years apart at least. Yeah, 6 four years apart. 7 Q. Could the voter have cured this ballot? 8 A. Yes. 9 Q. How would they have gone about curing it? 10 A. Come to the hearing. 11 Q. Come to the hearing. What would they have to have 12 presented? 13 A. Voter ID, and probably sign in front of us, 14 something like that. Again, it's hard to give you a 15 specific, because you're asking a hypothetical question 16 at a hearing that I'm not at, and I have two other 17 commissioners, so. 18 Q. I appreciate that. Okay. Let's go to the next 19 exhibit, which I'll mark -- 20 A. So how did I get selected? 21 Q. How did you get selected? 22 A. Yeah. How did I get selected to be here? I 23 asked -- 24 Q. We can talk about it. 25 A. Off the record, is that what you're saying?</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. Okay. Look at what I'm marking as Plaintiff's 2 Exhibit 10. 3 (Plaintiff's Exhibit 10 was marked for 4 identification.) 5 Q. Oh. I think I forgot to ask about Plaintiff's 6 Exhibit 9. Could the voter have cured that issue? 7 A. Yes. 8 Q. Please take a moment and review. So what is this 9 document? 10 A. A voter application and a voter statement. 11 Q. And this first page that begins, Dear absentee 12 ballot voter, this is the same as the other exhibits 13 we've just been reviewing, correct? 14 A. Yes. 15 Q. And is this the form of the notice that is 16 provided to voters? 17 A. Similar to what we're doing. It's slightly 18 different, but yes. 19 Q. But this version is the one that was kept 20 together? 21 A. In 2020, this was the one that that person 22 received, yes. 23 Q. Thanks. The one attached to this version of this 24 is the copy that was kept internally at the commission? 25 A. That's correct.</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. No. We're just trying to get a better sense about 2 how the process works in a number of different counties. 3 And we can't do this for every county. 4 A. No, I understand. How many did you subpoena? 5 Q. You know, I'm not 100 percent sure. But it was in 6 the area of four or five. 7 A. Oh. So I hit the lottery. 8 Q. I think I'm going -- 9 A. Pulaski County, Jefferson County. What's El 10 Dorado in. I can't even think of it. Anybody know what 11 El Dorado is in. Union County. And what's Helena/West 12 Helena, Phillips County. Four. There you go. 13 MR. HUNTER: Is that your guess? 14 A. That's my guess. Can you confirm that? 15 Q. So this is marked Plaintiff's Exhibit 12. 16 (Plaintiff's Exhibit 12 was marked for 17 identification.) 18 Q. I did skip one. It was numbered that way, and I'm 19 just going to try not to rock the boat and keep it that 20 way. What is this document? 21 A. We have several here. We have a notice. No 22 signature on the application. Voter statement and an 23 application. 24 Q. So these are three different voters sequentially. 25 A. Okay.</p>

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1 Q. Bess Roberts is the first. Clincy Trammell is the
 2 second. And Theodore Trammell is the third. And each
 3 of these were rejected based on no signature on
 4 application; is that correct?
 5 A. Well, the first one is. The second one is. And
 6 the third one.
 7 Q. So did these voters receive a ballot?
 8 A. I don't know. I assume they did.
 9 Q. You guess they did?
 10 A. I guess they did.
 11 Q. Based on what?
 12 A. Because they got a voter statement.
 13 Q. Okay. But the vote, was the vote counted?
 14 A. I'm sure it was not.
 15 Q. Why was that?
 16 A. The signatures do not compare.
 17 Q. So it looks like, it looks like in this case that
 18 there was no signature provided on the application; is
 19 that correct, or was there a signature provided?
 20 A. You know, actually it looks to me like on the
 21 voter application for Clincy Trammell, there was a
 22 signature, and it was whited out at one time. It looks
 23 like somebody put an X there. I'm just being a
 24 detective. And that's not part of my --
 25 Q. So looking at the application for Clincy Trammell

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1 then. The document that's attached to Clincy Trammell's
 2 voter statement application states, The last box for
 3 other is checked, and it says, No signature on
 4 application. It looks like that application, as you
 5 said, does lack a signature?
 6 A. Yes.
 7 Q. There is a signature on the voter statement?
 8 A. Yes.
 9 Q. So why was this voter provided a ballot?
 10 A. I don't know. You'll have to ask the county
 11 clerk.
 12 Q. That would be the county clerk that could tell me
 13 that?
 14 A. Yeah.
 15 Q. Okay. Looking back then at Bess Roberts. It
 16 looks like on her application is the printed name where
 17 it says signature above it; is that correct?
 18 A. Yes.
 19 Q. And then on the voter statement there's a
 20 signature; is that correct?
 21 A. Yes.
 22 Q. And then the attached form also has the box
 23 checked saying, No signature on application. So is it
 24 fair to say that this is simply a failure to provide a
 25 signature on the application, even though there was a

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1 printed name?
 2 A. Yes. Signatures don't compare.
 3 Q. And then looking at the last page of Theodore
 4 Trammell. Similar to Clincy Trammell, it looks like
 5 there's no signature. The application has an X. And
 6 then there is a signature on the voter statement; is
 7 that accurate?
 8 A. Yes.
 9 Q. Okay. And then the attached form, Jefferson
 10 County form also has a box checked, Other, saying, No
 11 signature on application?
 12 A. Yes.
 13 Q. So could these voters have cured their ballot?
 14 A. Yes.
 15 Q. And how would they have done that?
 16 A. Come to a hearing.
 17 Q. And what would they have had to do at the hearing?
 18 A. I would assume they would sign those. Give me a
 19 voter ID, show that that person is that person. I don't
 20 need voter ID if it was already included. Now, there
 21 may have been a problem with that, because if you look,
 22 there's no voter ID -- the signature -- this was back
 23 when we were allowing people to sign on the bottom of
 24 the voter statement that they were who they said they
 25 were. And this is not signed either. So if voter ID

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1 was not provided with it, which I can't tell, then it
 2 would not have been curable. Well, it would have been
 3 if they got us voter ID. But it would have had to have
 4 been there by noon on Monday. And then they have to
 5 come to the hearing afterwards. So yes, it would have
 6 been curable, but it would have been a couple of things
 7 that had to be done, depending on how this went. And I
 8 can't tell, because I can't tell if they had an ID.
 9 Maybe they did because they didn't -- none of the three
 10 signed the voter statement on the bottom.
 11 Q. So for these voters, they would have had to --
 12 they would have had to come to the cure hearing?
 13 A. Yes.
 14 Q. And --
 15 A. Right.
 16 Q. And at that point they would have had to present a
 17 photo ID?
 18 A. They would have had to present something to show
 19 who they were.
 20 Q. I see.
 21 A. So that when they signed we'd know who they were.
 22 And I do remember one hearing we had a few years back
 23 where that happened. They didn't sign, and they came.
 24 And they actually signed the statement on the bottom.
 25 But I can't have somebody just walk in and say this is

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1 who I am. So we did ask them to show voter ID. And
 2 they did. And we had them sign the application, not the
 3 application, the statement.
 4 Q. Uh-huh.
 5 A. And we did count their vote.
 6 Q. Okay. But then that ballot was counted?
 7 A. Yes. Your few are more than my few.
 8 Q. So I'm going to hand you a document that I've
 9 marked Plaintiff's Exhibit 13.
 10 (Plaintiff's Exhibit 13 was marked for
 11 identification.)
 12 Q. You don't have to review every document in this
 13 packet, but what is this document?
 14 A. Well, the rejection or the voter application
 15 statement did not compare, the signature was not the
 16 same, at least the first one. Looks like the following
 17 may be similar. And the first one it's real obvious.
 18 And the signatures are nowhere near the same. And this
 19 is one of those older people that we would look.
 20 They're not even -- it's not even in the same universe.
 21 Q. Uh-huh. So let's just look at a few of these.
 22 Let's look at the page ending in Bates stamp 208. So
 23 that page again is the Jefferson County Board of
 24 Election Commissioners form notice to voter that lists
 25 the reason for rejection; is that correct?

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1 A. Yes.
 2 Q. And what was the reason in this case?
 3 A. Ballot application did not compare as to
 4 signature. Signature was not the same.
 5 Q. And looking at the next page, the voter statement.
 6 This is a voter named Marcus Hunter. The following page
 7 is their application. And so looking at those two
 8 signatures, are those two signatures sufficiently
 9 dissimilar --
 10 A. Yes.
 11 Q. -- to disqualify the --
 12 A. Yes, they are.
 13 Q. Do you know if all three commissioners agreed that
 14 these two signatures were sufficiently dissimilar?
 15 A. I would think so. Because I don't remember ever
 16 having a disagreement on counting a provisional ballot.
 17 Q. And briefly, what would be the basis, what's the
 18 basis for that determination?
 19 A. You can just look at it and see two people,
 20 different people signed.
 21 Q. And now --
 22 A. The slant. The scrolls on the letters.
 23 Q. And --
 24 A. Even the spelling of the first name, or the way
 25 they make their last S, whatever it is, on Marcus.

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1 Q. And could this voter have cured their ballot?
 2 A. Yes.
 3 Q. Let's look at the next page ending Bates Stamp 211
 4 and the following two pages. This is the voter
 5 statement and application for Tamara Jackson. And
 6 beginning on 211, that's again the Jefferson County
 7 Board of Election Commissioners ballot notice of
 8 rejection or notice that there's a risk of rejection.
 9 Now, again, why was this ballot rejected?
 10 A. The signatures weren't -- did not compare.
 11 Q. And looking at the two signatures now. Are they
 12 sufficiently dissimilar to justify --
 13 A. Yes. Two different people obviously wrote those.
 14 Q. Okay. And this would have been an unanimous
 15 decision by the board?
 16 A. Yes.
 17 Q. Okay. So you think that different people filled
 18 those two out?
 19 A. I would say that's quite likely, yes, very, very
 20 likely.
 21 Q. What about the signature in the optional
 22 verification of identity section on Bates stamp 212,
 23 voter statement, does that signature compare to the one
 24 on the following page, the application?
 25 A. No.

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1 Q. And briefly what's the basis for that
 2 determination?
 3 A. The T is different. The way the whole -- the
 4 whole Tamara is up in the air on the voter's signature
 5 of the voter. And the A goes back down, whereas, the
 6 other is more linear. The top one say R, and the
 7 application says Renece. On Jackson the J is different
 8 completely. If you look at the loops, the loop on the J
 9 on the bottom is much bigger than the bottom one. And
 10 it's the opposite on the application.
 11 Q. And so then looking at the signature in the
 12 optional verification of identity section, and comparing
 13 the signature at the bottom of the same page where it
 14 says, Signature of voter, do those signatures compare?
 15 A. No.
 16 Q. So those would be sufficiently dissimilar also to
 17 disqualify if they were on --
 18 A. If they were, I think so, because if you look at
 19 the J on the voter statement is completely different
 20 than either of the other Js.
 21 Q. So do you think that these --
 22 A. The R is different also.
 23 Q. So do you think that these signatures were signed
 24 by different people?
 25 A. Probably.

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1 Q. So you think three different people signed these
2 two documents?
3 A. I don't know. Could be.
4 Q. But your testimony is that you would consider each
5 of these three signatures as sufficiently dissimilar to
6 any of the other two signatures?
7 A. The only two I need to look at are the signatures
8 of the voter on that statement, and the signature of the
9 voter on the application. The other one is not
10 important.
11 Q. Okay. So are commissioners allowed to consider
12 the signature in the optional verification of identity
13 section?
14 A. I don't think that's an option, no.
15 Q. Okay. And could the voter have cured this ballot?
16 A. Yes.
17 Q. Okay. Let's look at ending 226 and the following
18 two pages. So this voter had their ballot rejected?
19 A. Yes.
20 Q. On the basis of signature mismatch?
21 A. Yes.
22 Q. And looking at the signature on the voter
23 statement and on the application, are these signatures
24 sufficiently dissimilar so as to disqualify the ballot?
25 A. Yes.

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1 Q. And what's the basis for that determination?
2 A. Well, again, obviously it's not the same. Look at
3 the loop on the Y. One is closed, one just hangs down.
4 The loop on the last Y is completely different. It's
5 just -- it's not even close.
6 Q. So, in your opinion, this indicates that these two
7 documents were signed by different people?
8 A. That's the likelihood. Anyway, they certainly
9 don't compare.
10 Q. Does Jefferson County accept signatures on
11 absentee ballot applications?
12 A. I don't know.
13 Q. So that would be if a voter signs their name into
14 their computer, and then uses that as their signature on
15 the document?
16 A. I don't know.
17 Q. Okay.
18 A. I don't think they did in 2020.
19 Q. But if the two signatures were sufficiently
20 similar --
21 A. That wouldn't make any difference.
22 Q. This ballot would have been accepted?
23 A. Yes.
24 Q. Okay.
25 A. Do you think that was made on a computer?

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1 Q. I don't know.
2 A. Oh. Just a question came to your mind, huh.
3 Q. Well, you can see that it's darker?
4 A. It is. I figured they used a felt tip pen is what
5 I figured. And that doesn't bother me. It still
6 doesn't look like the same signature.
7 Q. You think that using a different kind of pen on
8 the signature affects the way a signature looks?
9 A. Well, certainly it looks differently. It doesn't
10 mean the curves are all different and completely
11 different writing though. So yes, the stroke will be
12 wider with a felt tip, or if you use a ballpoint it's
13 different than a fountain pen. So yes, there are
14 differences. But the signatures are still going to be
15 very, very similar. I can scribble mine out on all of
16 them and they all look the same. I don't think that
17 makes a difference.
18 Q. Could the voter have cured this ballot?
19 A. Yes.
20 Q. Let's look at 231. And sorry. That's actually
21 229 to 31, those three pages corresponding with Chase
22 Yancey. And looking at the two signatures on the voter
23 statement and the application, do those two signatures
24 compare?
25 A. No.

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1 Q. And what's the basis for that determination?
2 A. Well, they look completely different. Look at the
3 tail on the voter statement looks more like -- looks
4 like almost F, even though it's a Y. And the tail goes
5 down on the Y, and on the application it goes up. And
6 then the loop on the Y Yancey, the front Y is a closed
7 loop on the absentee ballot application, whereas it's
8 open on the voter statement.
9 Q. So --
10 A. And you can't even discern a Y on the -- at the
11 end of the absentee application.
12 Q. So do you know if voters are informed that not
13 just that they need to sign these documents, but that
14 their signatures need to match?
15 MR. FORD: Object to form.
16 A. I have no idea what --
17 Q. So -- sorry. I'll let you finish. So you don't
18 know whether voters are informed that not only they have
19 to sign these documents, but that the signature needs to
20 match?
21 A. They don't have to match. They have to compare.
22 Q. They have --
23 A. And -- and I don't know if you have to tell
24 anybody that, because their signature should be similar
25 every time they sign. It doesn't mean they're going to

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1 be exactly the same. But if you're signing a check or
 2 you're signing a contract or you're signing a driver's
 3 license, you're still signing your signature. So it
 4 should be representative of what you sign. So if it
 5 comes out completely different, are you signing or are
 6 you just writing something there, if you're doing it.
 7 So I think to say that you have to sign it infers that
 8 you have to make your signature.
 9 Q. Okay.
 10 A. And you're saying this is true under penalty of
 11 perjury you're registered to vote. And I'm the person
 12 who's registered and what I'm giving you is not true.
 13 So if you sign it, and that's not your signature, are
 14 you actually saying I didn't sign it. I just put --
 15 wrote something down. I don't know. I'm just asking a
 16 lot of questions.
 17 Q. Yeah. I guess -- I guess to ask the question in a
 18 different way. Looking at the absentee ballot, Arkansas
 19 application for absentee ballot form, do you see any
 20 instructions about the way a person should sign their
 21 name?
 22 A. It says, Signature of voter.
 23 Q. Is it --
 24 A. Both of them say, Signature of voter.
 25 Q. Is it possible that somebody might sign their name

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1 differently under different circumstances?
 2 MR. FORD: Object to form.
 3 A. Anything is possible. Again, I don't --
 4 Q. So it's possible that a voter could sign their
 5 name differently under different circumstances?
 6 MR. FORD: Object to form.
 7 A. Again, I think you would see a similarity. And
 8 these are not similar.
 9 Q. Have you ever signed your name on an electronic
 10 pad?
 11 A. I have. And a credit card machine too.
 12 Q. So that's essentially a touch screen, right?
 13 A. Yeah.
 14 Q. And it's not a regular pen, it's like a piece of
 15 plastic that you can sign on a touch screen?
 16 A. Uh-huh.
 17 Q. And does it feel differently to sign your name on
 18 an electronic pad versus a piece of paper?
 19 A. Sure. There's no drag.
 20 Q. So is it possible that your signature would look
 21 differently if it was signed on --
 22 A. It does look different. Mine does look different.
 23 But it's still recognizable as my signature.
 24 Q. So let me just for the record get the question
 25 out. Is it possible that your signature would look

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1 differently if it was signed on an electronic pad versus
 2 on a piece of paper?
 3 A. It is possible, yes.
 4 Q. And is it possible that your signature would look
 5 different if it was signed by a ballpoint pen versus a
 6 felt pen?
 7 A. Yes. Again, obviously it's going to look
 8 different. The strokes are going to be wider or
 9 narrower, yes.
 10 Q. So let's quickly turn to page 251. And actually
 11 it's 250 to 252, those three pages corresponding to Mary
 12 Trammell. And again, this ballot was rejected, correct?
 13 A. Yes.
 14 Q. On the basis of a signature mismatch, correct? Is
 15 that correct?
 16 A. Yes. I said that I thought.
 17 Q. Sorry. And so looking at the signatures on the
 18 Bates ending in 251 -- 252 and 251, both in the
 19 signature section on 251, and the optional voter
 20 verification identity section on 251, do those
 21 signatures compare?
 22 A. The optional verification, yes.
 23 Q. And the optional verification signature compares
 24 to which signature?
 25 A. The signature on the voter statement.

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1 Q. On the voter statement. Okay. But not on the
 2 ballot application?
 3 A. That's correct.
 4 Q. And just really very, very briefly, what's the
 5 basis for that determination?
 6 A. The slant is different. The double Ls are
 7 different. The M is different. The T is completely
 8 different. It's a very obvious difference.
 9 Q. Okay. Could this voter have cured their ballot?
 10 A. Yes.
 11 Q. Thank you. So after the absentee ballots are
 12 processed and counted, do you transmit any of that data
 13 to the State Board of Election Commission?
 14 A. It goes to the Secretary of State.
 15 Q. What about the totals counted or rejected, does
 16 that information get transmitted to the State Board of
 17 Elections?
 18 A. I don't think so, but I don't remember.
 19 Q. But you do provide it to the Secretary of State?
 20 A. Yes.
 21 Q. And what form does that take when you provide that
 22 information?
 23 A. Oh. I don't know about how many rejected.
 24 That's -- so I don't know if that's provided or not. I
 25 don't do that. That's done by our ERM operator,

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1 electronic reporting manager. So I'm not sure. It's
 2 through the coordinator. It's a form printed out from
 3 the ERM and given to the coordinator. And they either
 4 email or fax it. But I don't know that we -- I cannot
 5 remember if we transmit that provisional ballot list or
 6 not.
 7 Q. Thank you. Does the County Board of Election
 8 Commission in Jefferson County receive funds for
 9 election-related expenses from the state?
 10 A. Yes, reimbursement.
 11 Q. Reimbursement. Does --
 12 A. For the primary and the runoff of the primary.
 13 Q. Does this amount vary by election cycle?
 14 A. It varies by how much we spend.
 15 Q. Okay. So is it your understanding that all
 16 expenses incurred by the county board will be reimbursed
 17 by the state?
 18 A. No.
 19 MR. FORD: Object to form.
 20 Q. What would be the -- what would determine whether
 21 a specific expense would be reimbursed?
 22 A. We have a list of what they will reimburse. For
 23 instance, this won't be reimbursed, even though it's not
 24 for the primary. All the expenses we got together all
 25 that for FOIA -- excuse me. For the lawsuit.

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1 Q. And just briefly, what are some examples of some
 2 of the things that will be reimbursed?
 3 A. Programming voting machines, delivering voting
 4 machines, ballot, paper ballots, or meetings related to
 5 the election, poll workers.
 6 Q. Does the state reimburse for costs associated with
 7 providing the notice letters to voters whose absentee
 8 ballots are --
 9 A. Yes, I think they do. I'm not sure. I think they
 10 do, but I'm not sure.
 11 Q. Does the state provide reimbursement for the
 12 absentee ballot canvassing process with the absentee
 13 ballot clerks and supervisors?
 14 A. Yes, because they're poll workers, so yes.
 15 Q. Okay. If the County Board of Election Commission,
 16 Election Commission were to begin examining the absentee
 17 ballots prior to election day during that seven day
 18 window, that would still be a poll worker expense,
 19 correct?
 20 A. No, it would not, because the election -- well,
 21 examining it would be. But the commission would have to
 22 meet, and we would exceed the number of meetings that
 23 they would pay to be able to do that. Again, remember,
 24 plus you have to have commissioners that would meet.
 25 And that's going to be a problem. But no, I don't think

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1 they would, because you would exceed the number of
 2 meetings that the commission meets that they would
 3 reimburse for.
 4 Q. So there's a set number of meetings up to which
 5 the state will reimburse --
 6 A. That is correct.
 7 Q. -- for the County Board of Commissioners meetings?
 8 A. Yes. And they have to all be related to the
 9 election. So if they're before or after the election
 10 period, not related to the election, they won't
 11 reimburse for it.
 12 Q. Is there a limit to how much the state will
 13 reimburse for poll workers?
 14 A. I'm sure there is. And I'm not doing that part of
 15 it, so I don't know the numbers. I know it's a
 16 complicated formula to come up with all these numbers.
 17 Q. But the absentee ballot clerks are considered poll
 18 workers for the purpose of expense reimbursement?
 19 A. That is correct.
 20 Q. And that would include the supervisors?
 21 A. That's correct. Actually we call them election
 22 officials, but yes.
 23 Q. Election officials. Okay. Broad category.
 24 A. Because they have to be appointed also.
 25 Q. Okay. Is there any other source of

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1 election-related funds provided to the County Board of
 2 Election Commissioners?
 3 A. The other sorts of funds are from the county.
 4 Q. From the county.
 5 A. Yeah. Quorum Court approves them. The law says
 6 that they pay it.
 7 Q. And is it the County Board of Election
 8 Commissioners that gets to determine where that money --
 9 how that money is allocated?
 10 A. No. The County Judge allocates the money. That
 11 doesn't mean that's what we spend. But he is the one
 12 who makes those allocations.
 13 Q. So the commission makes a request or vote on a
 14 request, and then that gets met or close to met usually?
 15 A. We make a request, and they put some money in our
 16 account.
 17 Q. Is it often less than what you request?
 18 A. I believe we asked for \$250,000 at the beginning
 19 of the year. And we got \$120,000. Now, they will
 20 eventually pay it. They figured out that usually I know
 21 what I'm talking about. And my attorney knows what he's
 22 talking about. And they usually don't argue too much.
 23 It used to be a real problem. It used to be the County
 24 Judges used to try and control the Election Commission,
 25 which is wrong, it's illegal and all that stuff.

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1 Q. So the county money is a separate bucket from the
 2 state money?
 3 A. The county pays for everything. Everything is
 4 from them. There's a reimbursement from the state. And
 5 that money goes back into the county general.
 6 Q. I see. Thank you. All right. I'm going to
 7 introduce one more exhibit that I'll label Plaintiff's
 8 Exhibit 11.
 9 (Plaintiff's Exhibit 11 was marked for
 10 identification.)
 11 Q. So just take a moment to review that, please. So
 12 what is this document?
 13 A. Election expenses from November 3rd of 2020.
 14 Q. And this is for Jefferson County?
 15 A. That is correct. Well, I don't see it on there,
 16 but I assume that's it. Nowhere on there does it say
 17 that.
 18 Q. Yeah. I'll represent that this is a true and
 19 accurate and correct copy of the Jefferson County
 20 election expenses for November 3rd, 2020 election
 21 provided with the other voter documents. Does this
 22 document show the cost of absentee ballot canvassing?
 23 A. Yes.
 24 Q. And was it higher for this election than usual?
 25 A. Everything this year was higher. This one, no.

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1 Q. Sorry. In 2020 was --
 2 A. No.
 3 Q. No. But --
 4 A. But that only includes the workers. That doesn't
 5 include the coordinators who would have -- aren't being
 6 paid. It doesn't include the commissioners. None of
 7 that stuff is included in that.
 8 Q. So the line on this document that's \$6,020, that
 9 would cover -- what is all included in that?
 10 A. To pay to the clerks, the absentee clerks.
 11 Q. So that's purely salary for the absentee ballot
 12 clerks?
 13 A. Yeah. It's actually hourly. Nobody gets a
 14 salary.
 15 Q. And there's 12 clerks?
 16 A. And one administrator, as I recall.
 17 Q. Okay. And the administrator is also included in
 18 that figure?
 19 A. Yes.
 20 Q. But just the 12 checks and the one administrator?
 21 A. Yes.
 22 Q. Okay. In your experience, have you ever
 23 encountered any instances of fraud in the absentee
 24 ballot applications?
 25 A. Okay. That's going to be a hard question. In my

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1 mind I have. There's been not on the applications. I
 2 can't tell you that, because I don't get the
 3 applications to start with. But again, I have to say I
 4 think so. And I think I'm going to go back to people
 5 that used voter ID from out of state. Those are the
 6 things that I can think of easily. People that -- well,
 7 the register won't be on -- are you talking about
 8 absentee only, are you talking about absentee?
 9 Q. Yeah, absentee and absentee voting.
 10 A. I don't. In years past we have discussed fraud,
 11 but I don't think we've ever pursued trying to get
 12 charges. Although, we did talk about that at several at
 13 length, I think. I think we had -- and I don't remember
 14 the election. But we had several situations. And I
 15 believe 2020 might have been one of those where there
 16 was some problems. We had a lot of strange looking
 17 ballot situations.
 18 Q. Absentee ballot situations?
 19 A. Yeah.
 20 Q. How would you describe what was strange about
 21 them?
 22 A. And I may be confusing that with the regular
 23 provisional ballots from others. But I don't know. I
 24 can't remember for sure. My mind's not clear though.
 25 Q. So it's fair to say that you can't point to a

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1 specific instance where there was fraud that was
 2 confirmed with regard to --
 3 A. Yeah, I don't think we've ever pushed for -- I
 4 don't think we've ever had charges filed against
 5 somebody, although there's been discussion of that.
 6 Q. Do you believe that Arkansas' current absentee
 7 ballot canvassing regime allows election officials to
 8 accurately verify a voter's identity?
 9 A. I don't know what Arkansas' absentee ballot regime
 10 is. What is that?
 11 Q. Well, that would be the entire world of all of the
 12 requirements and guidelines and training and information
 13 you're provided with.
 14 A. I think that process works, yes.
 15 Q. And works in terms of, how do you define works?
 16 A. People that are eligible to vote, get to vote.
 17 People that are not, don't.
 18 Q. Earlier you mentioned using yourself as an example
 19 of a very committed voter who would make sure that they
 20 did everything they could to get their ballot counted
 21 and take extra steps and whatnot. And you kind of
 22 compared that to maybe a voter that's less committed or
 23 less motivated.
 24 As to the voters that might, in your words, maybe
 25 be less motivated or less able to take extra steps to

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1 make sure that their ballot is counted, do you think
 2 that the current absentee ballot system works with
 3 respect to those voters?
 4 MR. FORD: Object to form.
 5 A. I think if you -- if you want to vote, I think it
 6 works. Now, I'll give you an instance that -- you asked
 7 me about fraud, but this is not about absentee. During
 8 early voting this year, there was a bus that pulled up
 9 to the County Courthouse with approximately 40 people in
 10 it. And they all came in, and they were all voted
 11 provisional. And they either had no ID, no current
 12 address and so forth. And it was pretty obvious when we
 13 saw the provisional ballots. And we rejected them.
 14 There was no question. It was part of that. In fact,
 15 that became in the commission meeting, oh, this must be
 16 part of that bus load. So is there fraud, I think
 17 there's fraud, yes.
 18 Q. Sorry. Was it -- in this particular instance was
 19 it confirmed that those provisional ballots were
 20 fraudulently cast?
 21 A. I don't know. We did not pursue going against
 22 them because it's pressing charges.
 23 Q. So what was the basis for your determination that
 24 there was fraud involved?
 25 A. Why would you -- how would you get a busload of

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1 people pull up and go in and vote, and not have any
 2 voter ID or addresses and so forth. Is that a
 3 reasonable -- would a reasonable person say that is
 4 normal and those were registered voters. None of them
 5 were registered. In fact, the County Clerk put on
 6 there, Not registered voter. So did they attempt to
 7 vote. And maybe I need to take that to the prosecutor,
 8 and maybe our commission should do that. Because
 9 we're -- we're just after that period. So maybe I need
 10 to do that. I hadn't even thought about that. I've
 11 been rather occupied with other stuff going on.
 12 Q. So again, this was -- the basis for your opinion
 13 that this involved fraud was that there was a bus of
 14 people who voted, and there was a bunch of provisional
 15 ballots later who were people who weren't registered?
 16 A. Yeah. And the numbers seemed to be pretty
 17 convenient. They were the same day and --
 18 Q. But again, this was not with respect to absentee
 19 voting?
 20 A. No, it was not.
 21 Q. Okay. Specifically --
 22 A. Absentee is harder because it's singular. So it's
 23 going to be an individual case. This one is pretty
 24 obvious. And I don't know who brought these people up.
 25 I don't know any of that stuff. I was told some stories

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1 by people that were there, but that's -- if I had to go
 2 testify in court, I'd have to say the same thing. I'd
 3 say, no, I don't know.
 4 Q. So specifically, with respect to the notice that
 5 Jefferson County provides to voters, absentee voters who
 6 are at risk of having their ballots rejected. Do you
 7 think that that notice for an opportunity to cure their
 8 ballot increases the risk of fraud, or decreases the
 9 risk of fraud, or has no effect on the risk of fraud?
 10 MR. FORD: Object to form.
 11 A. The notice we send --
 12 Q. The notice that the county provides to absentee
 13 voters who are at risk of having their ballots rejected,
 14 and the opportunity to appear at the meeting and cure
 15 that ballot. Do you think that that process afforded to
 16 voters in Jefferson County has any effect on the
 17 likelihood of fraud being committed in the election?
 18 MR. FORD: Objection to form.
 19 A. I don't see -- I don't know how you'd make that
 20 determination.
 21 Q. Do you have an opinion as to whether the process
 22 that Jefferson County uses for providing notice to
 23 voters whose absentee ballots are at risk of being
 24 rejected, had an opportunity to appear to cure that
 25 ballot has any effect on the integrity of the election

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1 process in Jefferson County?
 2 A. When you talk about integrity, we're just trying
 3 to do it right. So if that's what you call integrity,
 4 that's what I'd go with. I don't know.
 5 Q. So if an eligible voter has their ballot
 6 rejected --
 7 A. An eligible voter?
 8 Q. If an eligible voter has their ballot rejected,
 9 does that have a positive or negative effect on the
 10 integrity of the election?
 11 MR. FORD: Objection to form.
 12 A. How does an eligible voter have their ballot
 13 rejected?
 14 Q. Well, for example, a voter who made a mistake on
 15 their -- on one of their forms, but they're an eligible
 16 voter and they're registered and whatnot?
 17 A. Well, if they're an eligible voter, and they made
 18 a mistake, and we sent them a notice, why wouldn't they
 19 come to the hearing to cure. So I think -- I think
 20 sending a letter, especially on a voter ID, gives them
 21 the opportunity to cure very easily. They do that. I
 22 think when it takes a little bit more work, maybe
 23 they're not as enthusiastic about doing it. I don't
 24 know.
 25 Q. But it's fair to say you think that it's important

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1 that these voters are being provided with notice and the
 2 opportunity to cure?
 3 A. Absolutely. Like I said, when I read this whole
 4 thing, I said, Wait a minute. How can they not know.
 5 We send out a notice that their vote got counted. We
 6 send out a notice they're not getting counted. So they
 7 first get a notice when -- when we have it as
 8 provisional. Tell them what the problem is. They can
 9 cure it. Then after the hearing period, then we send
 10 them a letter and say whatever that is, your vote was
 11 cured and we counted your vote.
 12 Q. So is it fair to say that you believe that
 13 providing this notice and an opportunity to cure has a
 14 positive effect on the integrity of the elections in
 15 Jefferson County?
 16 MR. FORD: Objection to form.
 17 A. I think integrity is there. I don't know that
 18 that's --
 19 Q. But if, for example -- I'm sorry. I'll let you
 20 finish.
 21 A. I don't know what else I can say. Because that's
 22 not --
 23 Q. So, for example, if a voter, an eligible voter who
 24 has successfully applied for and received an absentee
 25 ballot, and sent it back, had that ballot rejected for

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1 some mistake that they may have made on the voter
 2 statement. They weren't provided with notice. Would
 3 that have a negative effect or a positive effect on the
 4 integrity of the election?
 5 MR. FORD: Objection to form.
 6 A. I think if we didn't send them a notice they'd
 7 think their vote got counted. So I don't know. Again,
 8 I don't know why. To me, it's the right thing to do is
 9 tell them their vote didn't get counted. It would be a
 10 lot less work if you didn't send them a notice, you
 11 know, but --
 12 Q. Why would you say it's the right thing to do to
 13 provide them notice and an opportunity to cure?
 14 A. Because if they're a registered legal voter, and
 15 they actually wanted to vote, you give them the
 16 opportunity to cure their error. It wasn't my error or
 17 it wasn't any other commissioner's error, you know. So
 18 the voter made an error. And you're giving them an
 19 opportunity to cure it.
 20 Q. And would you expect that if more eligible voters
 21 were provided with notice of an opportunity to cure,
 22 that more eligible voters would have their votes
 23 counted?
 24 MR. FORD: Objection to form.
 25 A. I don't know. Like I said, our hearings show up

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1 with almost nobody. So I don't know if it would or not.
 2 I think for voter ID it would be fine. But I don't --
 3 it doesn't really seem to make a lot of difference
 4 whether they show up or not.
 5 Q. Thank you. I just have a few more questions, no
 6 more documents. Earlier when we were talking about the
 7 process, the actual process at the cure hearing for a
 8 voter to cure their ballot. You mentioned that they
 9 would be able to present a driver's license or other
 10 photo ID. And that would be able to resolve which issue
 11 specifically, which reasons for --
 12 A. Well, it wouldn't work for voter ID, because they
 13 got to do that by noon on Monday.
 14 Q. I'm speaking specifically about absentee ballot
 15 rejections. So the reason for rejecting an absentee
 16 ballot?
 17 MR. FORD: Objection to form.
 18 A. Again, it's the same answer. Absentee has to be
 19 cured for voter ID by noon on Monday after the election.
 20 The other things, I assume anything is curable if they
 21 have the right information. I can't tell you the voter
 22 ID. I would ask to see a voter ID, so I knew who I'm
 23 talking about, talking to. You're going to come in
 24 front of me and say, I'm Joe Smith, and I want to talk
 25 about my vote. If you call somebody on -- somebody

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1 calls you on the phone, and they did this to me the
 2 other day. This is Arkansas Blue. We want to talk to
 3 you about your medicine. We need you to tell us your
 4 date of birth. No. I'm sorry. You called me. I'm not
 5 going to do that. Okay. But you show up. If I go into
 6 Arkansas Blue and say, I want to talk about my meds.
 7 Well, who are you? Can I see some ID? Well, sure. And
 8 I would say the same thing if you come into my election
 9 office, and you want to have a hearing. I'm going to
 10 ask who are you. Can I see your voter ID. So it's not
 11 going to cure the voter ID problem. But it will tell me
 12 who you are. And then you can go ahead with your talk,
 13 and we can interact and see what we can come up with.
 14 THE VIDEOGRAPHER: Counsel, we need to
 15 go off the record for a second. We're going
 16 off the record. The time is approximately
 17 2:11 p.m.
 18 (Off the record.)
 19 THE VIDEOGRAPHER: We're back on the
 20 record. The time is approximately 2:11 p.m.
 21 BY MR. SNOW (CONT.):
 22 Q. So in addition to a photo ID, what are some of the
 23 other documents that a voter could present at the cure
 24 hearing that would aid in the determination that their
 25 ballot should be counted?

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1 A. For what reason?
 2 Q. Well, let's use signature match as an example.
 3 For signature match, what are some other documents that
 4 a voter could provide, or is that just in this case the
 5 voter would have to sign something?
 6 A. I think, in my mind right now, I think they would
 7 have to sign. There may be something else that one of
 8 the other commissioners could come up with an ID. But I
 9 would have to see that.
 10 Q. What about in the case of a date of birth issue?
 11 A. Voter ID might help that.
 12 Q. Is there any other kind of document that they can
 13 provide that would aid in that determination?
 14 A. Birth certificate, I think that might work.
 15 Q. Anything else?
 16 A. For date of birth I don't know.
 17 Q. Sorry. Go ahead.
 18 A. I don't know. Notarized statement from the
 19 nursing home.
 20 Q. What about for an address issue, what are some
 21 documents that would help you make a determination that
 22 their ballot should be counted if they have an address
 23 issue mismatch?
 24 A. If somebody shows where they actually live.
 25 Q. So like a utility bill or something like that?

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1 A. And explain to me, I say, explain to me, explain
 2 to the commission why you have the wrong address on
 3 there. Did somebody else fill this out for you. And
 4 that's still a question. If somebody else filled it
 5 out, then it probably would say that. Then do you count
 6 the ballot. Well, I don't know, because if somebody
 7 else filled it out did they vote it.
 8 Q. Together with the notice provided to voters that
 9 their ballot is at risk for rejection, and that they
 10 should appear at this day and time, do you provide any
 11 other information to voters about what they need to
 12 bring or what they need to provide to help cure their
 13 ballot?
 14 A. No. I don't know what they would need to cure it.
 15 Q. But specific to the reason for rejection?
 16 A. No. Why would I do that. I don't know what the
 17 answer is. It's a hearing, you know.
 18 Q. So --
 19 A. It's not like, oh, I got a ticket because I didn't
 20 have insurance. So you can bring proof of insurance.
 21 Well, that's not that easy to do. This is not where you
 22 put the wrong address on there. What am I going to tell
 23 you to do. I don't know. You're going to have to prove
 24 it to me, not -- and then if I ask you, well, utility
 25 bill will do it. Well, what if you don't have a utility

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1 bill. Then what are we going to do. So that's --
 2 you're trying -- you're trying to nail down something
 3 that's -- you can be as broad. If they can come up with
 4 a reason.
 5 Q. So essentially they just need to give a reason
 6 and/or documentation to the satisfaction of the
 7 commissioners?
 8 A. That's correct, yeah.
 9 Q. And it would be the commissioners' determination
 10 among the three of you whether or not that ballot should
 11 be counted?
 12 A. Yeah.
 13 MR. SNOW: Okay. Thank you. Those are
 14 my questions. I would like to on the record,
 15 I know that you've provided the pictures of
 16 the posters that we talked about earlier. I
 17 want to just officially mark them as
 18 Plaintiff's Exhibits 17 and 18.
 19 A. Did you already print them?
 20 MR. SNOW: No, I hadn't yet. But just
 21 for future reference. We know that those two
 22 documents that we were talking about earlier,
 23 they now have a name that we can use to refer
 24 to them. And you have them in your record,
 25 Mr. Court Reporter. And I don't think we need

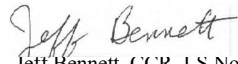
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1 to do anything on that point at this point. I
 2 think that's a sufficient record of them. And
 3 you have them in your possession now or
 4 getting them.
 5 MR. FORD: He read them into the record
 6 anyway.
 7 MR. SNOW: Gotcha.
 8 MR. FORD: I have no questions.
 9 THE VIDEOGRAPHER: All right. This
 10 concludes the deposition. We're going off the
 11 record. The time is approximately 2:16 p.m.
 12 (Plaintiff's Exhibits 17 and 18 were
 13 identified for the record.)
 14 (WHEREUPON, the deposition was concluded
 15 at 2:16 p.m.)
 16
 17
 18
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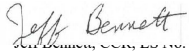
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1 CERTIFICATE OF DEPONENT
 2
 3 I have read the foregoing transcript of
 4 my deposition and except for any corrections or
 5 changes noted on the errata sheet, I hereby
 6 subscribe to the transcript as an accurate record
 7 of the statements made by me.
 8
 9
 10 _____
 11 MICHAEL JOHN ADAM
 12
 13 SUBSCRIBED AND SWORN before and to me
 14 this ____ day of _____, 20__.
 15
 16
 17 _____
 18 NOTARY PUBLIC
 19
 20 My Commission expires:
 21
 22
 23
 24
 25

Page 208

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY
 2
 3 I, JEFF BENNETT, LS No. 19, Certified Court
 4 Reporter in the State of Arkansas, certify that the
 5 foregoing pages 1 through 205 constitute a true and
 6 correct copy of the original deposition of MICHAEL ADAM
 7 taken on December 14, 2022.
 8 I declare under penalty of perjury under the laws
 9 of the State of Arkansas that the foregoing is true and
 10 correct.
 11 Dated this 19th day of December, 2022.
 12
 13
 14 
 15 Jeff Bennett, CCR, LS No. 19, Notary
 16 Public in and for Saline County, Arkansas
 17 My Commission expires November 29, 2030.
 18
 19
 20
 21
 22
 23
 24
 25

Page 207

1 CERTIFICATE
 2 STATE OF ARKANSAS*
 * ss
 3 COUNTY OF SALINE*
 4 I, JEFF BENNETT, Certified Court Reporter, a
 Notary Public in and for the aforesaid county and state,
 5 do hereby certify that the witness, MICHAEL ADAM, was
 duly sworn by me prior to the taking of testimony as to
 6 the truth of the matters attested to and contained
 therein; that the testimony of said witness was taken by
 7 me in machine shorthand notes and was thereafter reduced
 to typewritten form by me or under my direction and
 8 supervision; that the foregoing transcript is a true and
 accurate record of the testimony given to the best of my
 9 understanding and ability.
 10 In accordance with Rule 30(e) of the Rules of
 Civil Procedure, review of the transcript was not
 11 requested by the deponent or any party thereto.
 12 I FURTHER CERTIFY that I am neither counsel for,
 related to, nor employed by any of the parties to the
 13 action in which this proceeding was taken; and, further,
 that I am not a relative or employee of any attorney or
 14 counsel employed by the parties hereto, nor financially
 interested, or otherwise, in the outcome of this action;
 15 and that I have no contract with the parties, attorneys,
 or persons with an interest in the action that affects
 16 or has a substantial tendency to affect impartiality,
 that requires me to relinquish control of an original
 17 deposition transcript or copies of the transcript before
 it is certified and delivered to the custodial attorney,
 18 or that requires me to provide any service not made
 available to all parties to the action.
 19
 20 GIVEN UNDER MY HAND and SEAL OF OFFICE on this
 21 19th day of December, 2022.
 22
 23 
 24 Jeff Bennett, CCR, LS No. 19, Notary
 Public in and for Saline County, Arkansas
 25 My Commission expires November 29, 2030.

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1 ERRATA SHEET
 VERITEXT/NEW YORK REPORTING, LLC
 2 CASE NAME: League Of Women Voters Of Arkansas Et Al. v.
 Thurston, John
 3 DATE OF DEPOSITION: 12/14/2022
 WITNESSES' NAME: Commissioner Mike Adam
 4
 5 PAGE LINE (S) CHANGE REASON
 6 _____
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 Commissioner Mike Adam
 SUBSCRIBED AND SWORN TO BEFORE ME
 THIS ____ DAY OF _____, 20__.

 (NOTARY PUBLIC) MY COMMISSION EXPIRES:

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

Exhibit 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LEAGUE OF WOMEN VOTERS)
OF ARKANSAS, ROBERT)
WILLIAM ALLEN, JOHN)
MCNEE AELICA I. ORSI,)
MARSHALL WAYNE)
SUTTERFIELD, SHIRLEY)
FAYE FIELDS, MARNETTE) CASE NO.
WENDI PENNINGTON, MARY) 5:20-CV-05174-
J. MCNAMER, AND MYRA J.) PKH
TACKETT,)

Plaintiffs,)

v.)

JOHN THURSTON, IN HIS)
OFFICIAL CAPACITY AS THE)
SECRETARY OF THE STATE)
OF ARKAN ASA, AND SHARON)
BROOKS, BILENDA)
HARRIS-RITTER, WILLIAM)
LUTHER, CHARLES ROBERTS,)
JAMES SHARP, AND J.)
HARMON SMITH, IN THEIR)
OFFICIAL CAPACITIES AS)
MEMBERS OF THE ARKANSAS)
State Board of Election)
Commissioners,)

Defendants.)

VIDEOTAPED DEPOSITION OF:
RUSSELL ANZALONE
Taken on behalf of the Plaintiffs
December 2, 2022

Page 2

1 APPEARANCES:
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 Fax: (202) 783-0857
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 RACHEL TENNELL, ESQ. (Via Zoom)
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 19
 20
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 22 Cell: 615.429.6588
 E-mail: jennifercourtreporter@gmail.com
 23
 24 VIDEOGRAPHER:
 25 JOHN SIMS

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1 The videotaped deposition of
 2 RUSSELL ANZALONE, taken on behalf of Plaintiffs,
 3 on the 2nd day of December, 2022, commencing at
 4 9:00 a.m., in the offices of Zoom platform,
 5 Nashville, Tennessee, for all purposes under the
 6 Arkansas Rules of Civil Procedure.
 7 The formalities as to notice, caption,
 8 certificate, et cetera, are waived. All
 9 objections, except as to the form of the
 10 questions, are reserved to the hearing.
 11 It is agreed that Jennifer Haynie, being
 12 a Notary Public and Court Reporter for the State
 13 of Tennessee, may swear the witness, and that
 14 the reading and signing of the completed
 15 deposition by the witness are waived.
 16
 17 * * *
 18
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Page 5

1 THE VIDEOGRAPHER: We're on the
 2 record. Today's date is December 2nd, 2022.
 3 It's approximately 9:14 in the morning Central
 4 standard time. Counsel, introduce themselves
 5 and who they represent from left to right.
 6 MR. WHITE: I'm Brooks White with
 7 the Attorney Generals Office, and I represent
 8 the defense in this matter.
 9 MR. MOSLEY: Mike Mosley and I
 10 represent and the Election Commission.
 11 MS. CHAUDHURI: Pooja Chaudhuri and
 12 I represent the plaintiff League of Women Voters
 13 and the other individuals in this case.
 14 THE VIDEOGRAPHER: Swear in the
 15 witness.
 16 MS. SUNOLARARAJAN: Joining remotely
 17 from New York City, this is -- my name is Anagha
 18 Sunolararajan. I also represent the plaintiffs,
 19 and I'm here with my colleague Rachel . We're
 20 both from the law firm of Debevoise & Plimpton.
 21 RUSSELL ANZALONE,
 22 was called as a witness, and after having been
 23 first duly sworn, testified as follows:
 24 DIRECT EXAMINATION
 25 BY MS. CHAUDHURI:

Page 6

1 Q. All right. Well, thank you for bearing
 2 with the tech issues.
 3 Can you please state your full name and
 4 spell it for the record?
 5 A. Surely. Russell J Anzalone. It's
 6 R-U-S-S-E-L-L, middle initial is J, Anzalone,
 7 A-N-Z-A-L-O-N-E.
 8 Q. Thank you. And I want to be clear:
 9 You're not a party to this case. And so just up
 10 front, the purpose of this deposition is to
 11 really learn about how Benton County runs its
 12 elections with a focus on your absentee ballot
 13 processes.
 14 A. Yes, ma'am.
 15 Q. So I'm going to try to get through this
 16 quickly. And you're the expert, and I'm just
 17 trying to learn, you know, how you do things in
 18 know Benton County.
 19 MR. MOSLEY: I'm going to object to
 20 your characterization. Go ahead.
 21 BY MS. CHAUDHURI:
 22 Q. Okay. Have you ever been deposed before?
 23 A. Yes.
 24 Q. And can you tell me when you were
 25 deposed?

Page 7

1 A. Not within the Election Commission, but
 2 prior to that, several years ago I had to give a
 3 deposition. Don't even recall what it was, but
 4 it was 30 years ago.
 5 Q. Okay. So I will sort of review the rules
 6 for you so that -- because it was so long ago.
 7 We can take a break whenever you want,
 8 just let me know. I will try my best to be
 9 clear. I would like to ask perfect questions,
 10 but sometimes they're unclear. If you don't
 11 understand, just let me know, and I'll rephrase
 12 it, repeat it.
 13 A. Okay.
 14 Q. And please make sure that I am able to
 15 ask my full question before you answer, and I
 16 will do the same. I'm going to try not to talk
 17 over you, and if you can verbally say either yes
 18 or no instead of nodding, that would be great
 19 because the court reporter that way can write
 20 down your answer.
 21 A. I understand.
 22 Q. Okay. Great. Thank you.
 23 Do you recall receiving a subpoena to
 24 testify in this case?
 25 A. Yes, I did.

Page 8

1 Q. Okay.
 2 MS. CHAUDHURI: So I'm going to
 3 introduce, Madame Court Reporter, the first
 4 exhibit, marking it as Exhibit 1. Handing it to
 5 the witness and to witness's counsel.
 6 (Exhibit Number 1 was marked.)
 7 BY MS. CHAUDHURI:
 8 Q. Okay. I'd like you to take a look --
 9 well, first, I'll represent to you that this is
 10 a subpoena to testify in this case. And I want
 11 to give you time to look at it. If you can just
 12 look at it and let me know when you're done,
 13 that would be great.
 14 A. I just review it to ensure that it's the
 15 same subpoena that I received?
 16 Q. Yes, please.
 17 A. Is this my copy? I just want to confirm
 18 a few things with this with what I received.
 19 Q. That's fine.
 20 A. As far as I could tell, they are the
 21 same.
 22 Q. Okay. Great. And do you recall when you
 23 first saw it?
 24 A. Yes, it was delivered to me about
 25 6:30 a.m., maybe a month ago. I don't have the

Page 9

1 exact date.
 2 Q. And when it was delivered to you, did you
 3 review it?
 4 A. Not at that particular time, no, because
 5 I was preparing to go to work.
 6 Q. When was the first time that you reviewed
 7 it?
 8 A. Probably that evening or later in the
 9 afternoon when I had some time at work.
 10 Q. Got it. Do you know what this case is
 11 generally about, Chairman?
 12 A. Primarily, it has to do with absentee
 13 ballots and the ability to interpret the law
 14 relative to determining whether or not an
 15 absentee ballot can be counted or rejected.
 16 Q. Okay. And informing that understanding,
 17 you know, of the case, what documents did you
 18 look at?
 19 A. What other documents --
 20 Q. Yeah.
 21 A. -- did I look at? Other than reviewing
 22 this, I did not review any other documents.
 23 Q. Okay. And other than your attorney here,
 24 have you discussed this case with anybody else?
 25 A. Briefly with my attorney before I got

Page 10

1 here. Prior to that, just to get some
 2 information from my Election Commission Office
 3 before coming here.
 4 Q. Okay. And how long ago did you have the
 5 conversation with your Election Commission?
 6 A. About a week and a half ago, maybe two
 7 weeks ago.
 8 Q. And what did you talk about?
 9 A. I just wanted to review the specific
 10 elements of the law dealing with absentee
 11 ballots.
 12 Q. Got it.
 13 A. You have to understand now, my position
 14 is an election commissioner is not a full-time
 15 commission with the County. I am a part-time,
 16 part-time employee of the County for elections
 17 only.
 18 Q. Got it. And can you tell me, do you
 19 remember who on the Election Commission you
 20 spoke with?
 21 A. Yes. Kim Dennison who is in charge of
 22 the office there.
 23 Q. And what's her official position?
 24 A. She is the election coordinator --
 25 Q. Got it.

Page 11

1 A. -- for Benton County.
 2 Q. Got it. And how long has she been in
 3 that position?
 4 A. About the same time that I have, about
 5 11 years ago.
 6 Q. Okay. So a long time. All right.
 7 So moving on, just some background on
 8 you.
 9 Do you live in Benton County?
 10 A. Yes, I do.
 11 Q. And you're a registered voter in Benton
 12 County?
 13 A. Yes, ma'am.
 14 Q. And how long have you lived in the
 15 county?
 16 A. Since 2005.
 17 Q. Okay. Have you lived anywhere else
 18 besides Benton County?
 19 A. For my life you're talking about?
 20 Q. Yeah, for your life.
 21 A. Yes, if you want a brief synopsis, I'd be
 22 glad to give that to you.
 23 Q. A brief synopsis is great.
 24 A. Okay. Born and raised in Chicago,
 25 Illinois. Joined the Army in 1959 and spent

Page 12

1 21 years on active duty. Initially a medic,
 2 dental assistant/oral hygienist, went to officer
 3 candidate school, commissioned in the infantry
 4 and spent 15 years in the infantry and spent 15
 5 years in infantry Airborne Special Forces. My
 6 assignments have been throughout the United
 7 States, in Europe, in Vietnam, in Hawaii.
 8 Retired from the Army in 1980 and became
 9 an insurance agent for the Knights of Columbus,
 10 a Catholic fraternal organization, and moved
 11 four times with them and retired after 20 years
 12 in 2000.
 13 Moved here to Florida -- excuse me --
 14 moved here to Arkansas in 2000, left in 2001 to
 15 go to Florida in order to care for my in-laws
 16 who were sick. Both of them passed away within
 17 three years, and in 2005, moved back here to
 18 Benton County.
 19 Q. Got it. Thank you. And when did you --
 20 when did your service with the Benton County
 21 Election Commission begin?
 22 A. About 11 years ago.
 23 Q. Okay. And were you serving in the
 24 position of chair all 11 years?
 25 A. No. No, I was not. I was the Republican

Page 13

1 election commissioner here in the state. The
 2 party that has four of the seven state officers,
 3 has two election commissioners and the minority
 4 party has one.
 5 So I was an election commissioner for, I
 6 believe, five years until the Republicans took
 7 charge of the state offices, and then I became
 8 chairman at that time.
 9 Q. Okay. So you have served as Chair since
 10 what year?
 11 A. I think about, probably 2016, '17,
 12 somewhere in that area.
 13 Q. Got it. And you mentioned earlier that
 14 this was not your full-time job.
 15 A. No, it is not.
 16 Q. What is your other occupation, Chairman?
 17 A. Presently, I am the parish manager of St.
 18 Bernard Catholic Church in Bella Vista, and
 19 prior to that, I had my own business with
 20 LegalShield. I was a representative for
 21 LegalShield, and I did that full time for
 22 11 years.
 23 Q. Got it. So just to have a clean record:
 24 Were you the chairman of the Commission in 2018?
 25 A. Yes.

Page 14

1 Q. Okay. And then were you the chairman of
 2 the Commission in 2020?
 3 A. Yes.
 4 Q. Okay. Have you ever served as the
 5 commissioner or chairman for any other
 6 election --
 7 A. No.
 8 Q. -- commission.
 9 And before you became a commissioner, did
 10 you hold any other positions with the Benton
 11 County Election Board?
 12 A. No.
 13 Q. So as Chair, what are your
 14 responsibilities? Brief synopsis is good, thank
 15 you.
 16 A. My responsibilities are to ensure that,
 17 when we do have an election, that the machines
 18 are programmed properly, and we did our own
 19 programming, that the absentee ballots are
 20 prepared in time in order to send to the county
 21 clerk's office 47 days in advance so that they
 22 can be mailed out 45 days prior to the election,
 23 and then to establish any early vote sites if we
 24 are going to have early vote sites for an
 25 election, and then go ahead and process the

Page 15

1 absentee ballots and as well as conduct the
 2 election day activities to ensure that we have
 3 all of the early vote and the absentee votes
 4 counted by 7:30 on election day, and then go
 5 ahead and provide an unofficial result after all
 6 of the vote centers have reported in.
 7 Q. Got it. And so you mentioned that you
 8 haven't served in any other capacity, but,
 9 again, just to get the record clear: Have you
 10 ever served as poll worker in the county?
 11 A. Not in this state, no.
 12 Q. Okay. Have you ever worked as an
 13 absentee ballot clerk in this state? Someone
 14 who processes absentee ballots?
 15 A. Well, I do that as the election
 16 commissioner, yes.
 17 Q. Okay. Okay. The reason I was asking is
 18 because my understanding is there are two
 19 absentee ballot clerks, right, coworkers who
 20 review absentee ballots; is that not right?
 21 A. No.
 22 Q. Okay. So then you'll have to explain to
 23 me.
 24 Who are the folks who -- first
 25 individuals who review the absentee ballots that

Page 16

1 come in?
 2 A. The election commissioners. We set up
 3 generally three tables.
 4 Q. Okay.
 5 A. There are four of us at the table, and
 6 one person opens up the envelope and takes the
 7 voter's statement along with a copy of the voter
 8 application and the voter ID along with the
 9 envelope and the ballot and passes it on to the
 10 election commissioner.
 11 We then review that information to ensure
 12 that we can count that vote. We check the
 13 signature, the date of birth, the address, and
 14 also the voter -- proof of voter ID, and we -- I
 15 call that off against one of the individuals
 16 that is checking off against the list that we
 17 get from the county clerk's office which
 18 contains all the absentee ballots that have been
 19 submitted to us. They check that off and pass
 20 it on to the fourth person, and the fourth
 21 person then writes that person's name and
 22 precinct down on a specific form.
 23 Q. Okay. So just so I get this right,
 24 you're all sitting in a room. Who -- it sounds
 25 like the three commissioners are there reviewing

Page 17

1 the absentee ballots?
 2 A. Correct, yeah.
 3 Q. Right. Is there anybody else other than
 4 the three commissioners?
 5 A. Oh, yes. We have people that work in the
 6 Election Commission Office there. That's on
 7 election day, and we normally have elections
 8 going on there in the office -- not in the
 9 office itself, but in the overall office because
 10 we have a fairly large office, and just people
 11 are there specifically from the Election
 12 Commission or from the County Clerk's Office.
 13 Q. Okay. And besides the three
 14 commissioners, are any of the other individuals
 15 partaking in the actual review of the absentee
 16 ballots?
 17 A. The review the ballot itself?
 18 Q. Yeah.
 19 A. No, not specifically.
 20 Q. Okay. And prior to the commissioners
 21 reviewing the absentee ballots, are there any
 22 other clerks or poll workers in Benton County
 23 that conduct a review?
 24 A. No.
 25 Q. Okay. So you're the first line?

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1 A. Yes.
 2 Q. Got it. Have you ever held a position
 3 with the State Board of Election Commissioners
 4 in Arkansas?
 5 A. No.
 6 Q. Who are the two other commissioners on
 7 the -- sorry -- for the record, on the Benton
 8 County Election Commission?
 9 A. Harlan Stee, H-A-R-L-A-N, Stee, S-T-E-E
 10 is the other Republican, and Robbyn Tumey is the
 11 Democrat, she is the secretary.
 12 Q. And do you know how long Commissioner
 13 Stee has been on the election commission?
 14 A. Four years.
 15 Q. And Commissioner Stee ever been elected
 16 as the chairman of the Commission?
 17 A. No.
 18 Q. And do you know how long Ms. Robbyn Tumey
 19 been on the commission?
 20 A. Robbyn was on the commission when I came
 21 on, and then due to an illness of her husband,
 22 she went off at the same time that I became the
 23 chairman, and then she came back on to take the
 24 individual who was a Democrat representative two
 25 years ago. So she has been totally, probably,

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1 15 or 16 years.
 2 Q. Wow. Long time. Okay.
 3 So previously we were chatting about all
 4 the different actors on the County Election
 5 Board. Three of them are the commissioners; is
 6 that right?
 7 A. Yes.
 8 Q. Okay. And you mentioned the county
 9 clerk. What does the county clerk do?
 10 A. The county clerk?
 11 Q. Brief synopsis, thank you.
 12 A. The county clerk is the one who receives
 13 the application from a registered voters for an
 14 absentee ballot, sends that ballot out to them
 15 after this person's recorded. Once that
 16 envelope with the ballot in it is returned to
 17 County Clerk's Office, they register that, and
 18 then they send the envelopes to us along with a
 19 list of the individuals that have requested
 20 absentee -- yes.
 21 Q. Okay. And do you know if that's an
 22 elected position?
 23 A. If which is an elected --
 24 Q. The county clerk position.
 25 A. Yes, the county clerk's position is an

Page 20

1 elected position.
 2 Q. Okay. And then moving on to the poll
 3 workers, are they considered part of the
 4 Election Board?
 5 A. Would you define the election --
 6 Q. Well, who's -- strike my last question.
 7 Who is on the Election Board?
 8 A. For the county itself?
 9 Q. Correct, yes.
 10 A. All right. I have three of us as
 11 election commissioners, and there are four staff
 12 members in the Election Commission. Whether
 13 they are considered to be on the board or not, I
 14 can't fully answer that question.
 15 Q. Okay. And who are the four staff
 16 members? What are their positions?
 17 A. Kim Dennison is the coordinator, the
 18 assistant coordinator is Serena -- I can't
 19 remember Serena's --
 20 Q. There's an assistant coordinator
 21 position. What are the other two positions?
 22 A. The other two are -- they are also -- I
 23 don't know whether their titles are assistant
 24 coordinators or just staff members for the
 25 Election Commission, but that would be Julie --

Page 21

1 sorry, I don't know their last names because I
 2 don't work with them everyday. And the fourth
 3 one is Sharon.
 4 Q. Okay. They are staff members, and do
 5 they help Ms. Dennison with election
 6 administration?
 7 A. Yes. They are full-time employees.
 8 Q. Got it. So we talked about poll workers
 9 briefly. Poll workers -- who appoints the poll
 10 workers?
 11 A. We appoint the Commission -- the Election
 12 Commissioners appoint the poll workers. We
 13 request through the registered voters whether
 14 they would like to be a poll worker, they submit
 15 an application. They undergo training, and
 16 there's an examination after the training to
 17 ensure that they have absorbed the material.
 18 Q. Okay. And who administers that
 19 examination?
 20 A. My staff.
 21 Q. And is that a written examination?
 22 A. Yes, it is.
 23 Q. And if a poll worker doesn't pass the
 24 written examination, then are they allowed to
 25 serve as a poll worker?

Page 22

1 A. They would have to go through the
 2 training again and pass the written exam --
 3 Q. Okay.
 4 A. -- in order to be a poll worker.
 5 Q. Got it.
 6 A. You have to be qualified.
 7 Q. And for the written exam, does the
 8 Commission design the written exam?
 9 A. No. That comes to us through the State
 10 Board of Election Commissioners.
 11 Q. Okay. Do you generally -- do you
 12 communicate at all with the State Board of
 13 Election Commissioners, generally, as part of
 14 your job?
 15 A. Only when I may have a question or if we
 16 get some material down, but not really.
 17 Q. Okay. And when you have communicated
 18 with them before in the past, what method do you
 19 use to communicate with them?
 20 A. It's either by telephone or by e-mail.
 21 Q. And when you telephone them, is there a
 22 general line that you can call?
 23 A. Oh, yeah.
 24 Q. Okay. And do you recall that particular
 25 phone line?

Page 23

1 A. Yes.
 2 Q. And when you e-mail them, is there a
 3 general e-mail that you send your e-mails?
 4 A. Yes, to the Office of the State Board of
 5 Election Commissioners.
 6 Q. Do you communicate with any individual
 7 commissioner -- State Board of Election
 8 Commissioners ever?
 9 A. Say that again.
 10 Q. No. Now, sorry -- well, strike that.
 11 Do you ever communicate individually by
 12 e-mailing one of the commissioners on the State
 13 Board of Election Commissions?
 14 A. I would say generally not. I can't
 15 recall if I had a specific question for them. I
 16 just send it up there and whoever is qualified
 17 to handle that will, you know, e-mail me.
 18 Q. Got it. Okay. I would like to introduce
 19 the second exhibit.
 20 MS. CHAUDHURI: We'll mark it as
 21 Exhibit 2. I'm handing it to the witness, Madam
 22 Court Reporter, handing it to the State.
 23 (Exhibit Number 2 was marked.)
 24 BY MS. CHAUDHURI:
 25 Q. So I represent to you that this is County

Page 24

1 Board of Election Commissioners Procedures
 2 Manual from 2022. Do you have any reason to
 3 disagree with that representation?
 4 MR. MOSLEY: Object to the form.
 5 You still answer.
 6 THE WITNESS: State the question
 7 again.
 8 BY MS. CHAUDHURI:
 9 Q. Do you recognize this document?
 10 A. Yes. Yes.
 11 Q. Okay. And when was the first time that
 12 you saw this document?
 13 A. Probably around March or April of this
 14 year.
 15 Q. Okay. If you can turn to page 14, and
 16 just take your time and review the
 17 qualifications section just at the top and let
 18 me know when you're done.
 19 A. Finished.
 20 Q. I want you to go down to the fourth
 21 bullet
 22 A. Okay.
 23 Q. And just read it out loud for me.
 24 A. Attend election training conducted by the
 25 State Board Election Commissioners prior to a

Page 25

1 regularly scheduled preferential primary
 2 election.
 3 Q. Okay. And this is one of the
 4 qualifications to be a County Board of Election
 5 Commissioner, correct?
 6 A. Correct.
 7 Q. Okay. And do you recall if this
 8 qualification -- this was one of the
 9 qualifications prior to 2022?
 10 A. Oh, yes.
 11 Q. Okay. And so you had to attend trainings
 12 prior to 2022?
 13 A. Yes.
 14 Q. And do you recall about -- since 2018
 15 about how many trainings you've been to?
 16 A. I believe we undergo this training every
 17 two years.
 18 Q. Okay. If you could go to page 19 and
 19 review the first three underlined bolded and
 20 underlined sections titled Notification, Quorum,
 21 and Voting, and take your time, and let me know
 22 when you're done.
 23 A. Okay.
 24 Q. Okay. So earlier you mentioned that the
 25 commissioners meet to review absentee ballots.

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1 A. Yes.

2 Q. Is this part of the meeting process? Do

3 you have to call a meeting?

4 A. Oh, yes, definitely.

5 Q. Okay. And are all three commissioners --

6 do they have to be present during the review?

7 A. Do they have to be present during the

8 review of the absentee ballots?

9 Q. Yes.

10 A. At least two of us have to be there.

11 Sometimes there's a reason why a commissioner

12 cannot be there for an hour or two, whatever it

13 might be, but we have to have two commissioners

14 there in order to have a meeting of any kind.

15 Q. Got it.

16 A. So in generally, all three of us are

17 there, but there are times when I can't get out

18 of work for a specific reason, whatever, but

19 yeah.

20 Q. Uh-huh. Okay. So two commissioners --

21 okay -- are allowed to review the absentee

22 ballots and make a decision?

23 A. Correct.

24 Q. Okay. And does that same rule apply to

25 the review of provisional ballots by the

Page 27

1 Commission?

2 A. Provisional, yes, it does.

3 Q. Okay. So two members can review

4 provisional ballots and make a --

5 A. Yes, correct.

6 Q. -- decision?

7 Is there a vote when a decision made, is

8 there a vote among the commissioners as to

9 whether to count it or not count it?

10 A. Oh, yes, definitely.

11 Q. And is a unanimous vote required in order

12 to count absentee ballots?

13 A. Yes.

14 Q. So all three commissioners or two

15 commissioners have to agree?

16 A. All three have to agree.

17 Q. Okay. So if the third member --

18 commissioner is not present, then do they do

19 their independent review of the absentee

20 ballots, and then vote on it?

21 A. Rephrase that. Okay. All right.

22 Q. Yeah, sorry. So earlier -- go ahead.

23 A. We're speaking of strictly absentee

24 ballots, correct?

25 Q. Correct.

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1 A. Okay. Not all three of us see all

2 absentee ballots. When we are working,

3 processing absentee ballots, we have three

4 different teams or -- in order to go through

5 them. As an election commissioner, I review a

6 ballot, and if everything is according to law,

7 it's counted.

8 Any time there is any question as to

9 whether or not there's a discrepancy with an

10 absentee ballot, that is set aside, and then all

11 three of us will review that particular ballot

12 to determine whether or not it can be counted or

13 rejected.

14 Q. Got it. And when all three of you are

15 reviewing a ballot that has -- an absentee

16 ballot that has discrepancies in it, that vote

17 does it have to unanimous?

18 A. Yes.

19 Q. Okay. Do you ever recall there being

20 disagreements between the commissioners as to an

21 absentee ballot that had a discrepancy?

22 A. Maybe among the three of us, one of them

23 felt that something was not correct, but after

24 discussion and reviewing it, all three of us

25 have to come to a unanimous vote.

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1 Q. Okay.

2 A. We've never passed something where it's

3 been 2 to 1. It has to be all three.

4 Q. Okay. Now, can you turn to page 28,

5 please?

6 I'd just like you to review the section

7 titled Training that starts in middle of page

8 28, and then, I believe it ends on 30, right

9 before the next section that's titled

10 Candidates.

11 A. Ok.

12 Q. And please let me know when you're done.

13 Thank you.

14 A. Okay. Finished with that.

15 Q. Okay. Thank you. Do you recall if this

16 was the training process that was followed in

17 2020?

18 MR. MOSLEY: Object to form.

19 THE WITNESS: Yes.

20 BY MS. CHAUDHURI:

21 Q. Okay. So in 2020 were poll workers --

22 did the State Board require the County to

23 designate two qualified electors to take the

24 State Board of Election Commissions training?

25 A. Yes.

<p style="text-align: right;">Page 30</p> <p>1 Q. And were they required to take the State 2 Board of Election Commission test in 2020? 3 A. Yes, they were. 4 Q. And what about prior to 2020? Were they 5 required -- do you recall them being required to 6 take -- 7 A. Yes. 8 Q. -- a similar training? 9 Okay. And are these trainings held in 10 person? 11 A. Yes, they are. 12 Q. Okay. Thank you. You can set this aside 13 for now. We might come back to it. I might 14 have a few more questions on it. 15 A. Excuse me. 16 Q. Bless you. 17 MS. CHAUDHURI: Madam Court 18 Reporter, I'd like to introduce the third 19 exhibit. I'm marking this as Exhibit 3. I'm 20 handing it to the witness, handing it to 21 opposing -- to his counsel, and another copy for 22 Mr. White. 23 (Exhibit Number 3 was marked.) 24 BY MS. CHAUDHURI: 25 Q. Okay. Do you recognize this document,</p>	<p style="text-align: right;">Page 32</p> <p>1 Reporter, I'm introducing Exhibit 4, handing it 2 to Counsel. 3 (Exhibit Number 4 was marked.) 4 BY MS. CHAUDHURI: 5 Q. Okay. Do you recognize this document, 6 Chairman? 7 A. Yes, I do. 8 Q. Can you tell me what it is? 9 A. This is the training manual for poll 10 workers which they have to be complete in order 11 to be qualified to be a poll worker for our 12 elections. 13 Q. And is this training manual from 2020? 14 A. Yes, that's what it states. 15 Q. And is there updated version of the poll 16 worker training manual, that you know of? 17 A. Probably. I can't just give you a yes or 18 no on that. 19 Q. Okay. Have you seen an updated poll 20 worker training manual? 21 A. I have not. 22 Q. And is this the training that's used just 23 for poll workers? 24 A. Yes, ma'am. 25 Q. Okay. Was this slide deck, do you</p>
<p style="text-align: right;">Page 31</p> <p>1 Chair Anzalone? 2 A. Yes, I do. 3 Q. Do you recall around when you first saw 4 this -- well, first -- strike that. 5 Can you describe what this document is 6 for the record? 7 A. Yes. This is a document that was 8 utilized for our training. I think it was in 9 January or February earlier this year. 10 Q. Okay. And do you recall when you first 11 saw it -- saw the document? 12 A. When we showed up for the training. 13 Q. Okay. Had you seen it prior to that? 14 A. I don't believe so, no. 15 Q. And after the training, was it shared 16 with you? 17 A. After the -- 18 Q. After you completed that training, did 19 anyone from the State Board of Election 20 Commissioners share this with you? 21 A. Share it with me? We had a copy of it at 22 the training. 23 Q. Okay. Okay. You had a copy. You can 24 put this aside. 25 MS. CHAUDHURI: Madam Court</p>	<p style="text-align: right;">Page 33</p> <p>1 recall, ever used in any training that the 2 commissioners attended -- that you attended? 3 A. 2020? I believe that in 2020 we went 4 through this when we went through the 5 commissioner's training -- 6 Q. Okay. 7 A. -- as well, yes. 8 Q. Okay. Okay. We can put this aside. 9 Thank you. 10 MS. CHAUDHURI: Madam Court 11 Reporter, I am introducing -- I believe this is 12 5. 13 (Exhibit Number 5 was marked.) 14 BY MS. CHAUDHURI: 15 Q. Do you recognize this document? 16 A. Yes, I do. 17 Q. Okay. What is it? 18 A. This is the application for a registered 19 voter requesting an absentee ballot. 20 Q. Okay. And do you know if the person 21 trying to register to vote in Arkansas can use a 22 different -- can write their application on a 23 different form, or if they have to use this form 24 to register to vote? 25 MR. MOSLEY: Object to form.</p>

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1 You still answer.
 2 THE WITNESS: I believe there is a
 3 form for military that is a little bit different
 4 than this, but this was the primary form that is
 5 utilized for an absentee ballot.
 6 BY MS. CHAUDHURI:
 7 Q. Okay. So if you received an absentee
 8 ballot application that was written in some
 9 other form, would that application be accepted?
 10 MR. MOSLEY: Objection to form.
 11 THE WITNESS: That's not for me to
 12 decide. That's the county clerk's job. It's
 13 not mine.
 14 BY MS. CHAUDHURI:
 15 Q. Okay. And do you know did if the county
 16 clerk follows any guidance from the State as to
 17 whether they can reject -- accept or reject
 18 applications that are used -- written on a
 19 different form?
 20 MR. MOSLEY: Object to form.
 21 THE WITNESS: I can't answer that
 22 because I don't undergo county clerk's training.
 23 MR. MOSLEY: Counsel, can we take
 24 just a brief break?
 25 MR. WHITE: Yeah. We need to a take

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1 a break.
 2 THE VIDEOGRAPHER: We're off the
 3 record at 10:05.
 4 (Discussion off the record.)
 5 MR. MOSLEY: I'm Mike Mosley, and I
 6 represent the witness Russel Anzalone, and I
 7 want to lodge an objection to the deposition and
 8 effectively every question as follows: No
 9 plaintiffs in this lawsuit voted or tried to
 10 vote absentee in Benton County, Arkansas. The
 11 chairman received the subpoena that says, quote,
 12 he's here to testify regarding the facts alleged
 13 in the above-captioned case, the lawsuit
 14 including, but not limited to, canvas absentee
 15 ballot CPC (inaudible) that County Board
 16 Commissioner, and therefore, I would submit the
 17 Benton County. So I don't see how any question
 18 in this case is deliverable or relevant -- I'm
 19 going to lodge that objection, and let
 20 Plaintiffs' counsel continue with her deposition
 21 and respond to this.
 22 MR. WHITE: And I will join in this
 23 objection.
 24 MS. CHAUDHURI: Thank you. This is
 25 Poojo Haudhuri.

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1 My first response is that it is
 2 relevant. Our claims are statewide. They are
 3 against the State itself, and the State directed
 4 us to go to the County to get data, so that's
 5 why we went to the County because the State
 6 didn't have the data or background that we were
 7 looking for.
 8 The League of Women Voters and the
 9 plaintiff and operations all over the state
 10 including Benton County, and I'm asking him
 11 about his personal experience, and so as
 12 somebody who's been on the State Election
 13 Commission -- apologies -- the Benton County
 14 Election Commission for 11 years, this chairman
 15 is testifying and would be testifying about his
 16 personal experience. So that's my response.
 17 MR. MOSLEY: Thank you. You can
 18 bring him in.
 19 (Brief break was observed.)
 20 THE VIDEOGRAPHER: We're back on at
 21 10:33 a.m.
 22 BY MS. CHAUDHURI:
 23 Q. Okay. So, Chairman Anzalone, we were
 24 prior to the break looking at an absentee
 25 application, a absentee ballot application

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1 marked as Exhibit 5. Do you have that in front
 2 of you?
 3 A. Yes, I do.
 4 Q. Okay. So the absentee ballot application
 5 asks the voters to give their personal
 6 information, does it not?
 7 A. Correct.
 8 Q. Okay. And as part of that personal
 9 information, it asks for the voter's residential
 10 address, correct?
 11 A. Yes.
 12 Q. That includes city, state, and zip code,
 13 correct?
 14 A. Yes.
 15 Q. The date of the birth of the absentee
 16 voter?
 17 A. Yes.
 18 Q. And then name of the absentee voter,
 19 right?
 20 A. Yes.
 21 Q. Okay. And the signature?
 22 A. Correct.
 23 Q. And in your opinion, is this information
 24 collected to verify the identity of the voter?
 25 MR. MOSLEY: Object to form.

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1 THE WITNESS: To verify the
 2 identity --
 3 BY MS. CHAUDHURI:
 4 Q. To verify that the voter says who they
 5 are?
 6 A. Yes.
 7 Q. And there's some comparison then that
 8 goes on between the absentee ballot application
 9 and the voter registration form; is that right?
 10 A. Between the application form -- yes, and
 11 the statement that the individual -- yes.
 12 Q. Okay. And who on the -- on your staff
 13 does that comparison?
 14 A. It's done by the election commissioners.
 15 Q. Okay. So the election commissioners look
 16 at each absentee ballot application and compare
 17 it with that voter's voter registration form; is
 18 that right?
 19 A. With the voter's statement.
 20 Q. Oh, I'm asking about -- sorry. I
 21 apologize if I'm unclear.
 22 I'm asking about the application, not the
 23 absentee ballot.
 24 A. Okay.
 25 Q. Is there any sort of comparison that

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1 occurs with the absentee ballot application to
 2 verify that the applicant is who they say they
 3 are?
 4 A. This is done by the county clerk's
 5 office. I'm -- probably got ahead of myself
 6 there, but I don't handle this at all with
 7 verifying anything.
 8 Q. Okay. And so would you have any
 9 information as to when there's missing
 10 information on the absentee ballot application,
 11 does the county clerk -- how does the county
 12 clerk contact the voter?
 13 MR. MOSLEY: Object to form.
 14 THE WITNESS: I can't answer that.
 15 BY MS. CHAUDHURI:
 16 Q. That's fine. It's for the record, so if
 17 you can't answer it --
 18 A. Not part of my process.
 19 Q. Okay. And would you happen to know if
 20 the county clerk has a process for recording
 21 absentee ballot applications that were missing
 22 information?
 23 A. I would have to make an assumption on
 24 that. I don't know.
 25 Q. Okay. Let's move on to the actual -- or

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1 one question about mailing. Once an application
 2 is accepted, do you know who mails the absentee
 3 ballot out to the voter?
 4 A. Someone within the County Clerk's Office
 5 registers this, and then, you know, submits the
 6 ballot to them no earlier than 45 days before
 7 the election.
 8 Q. Great. Thank you. We can put this
 9 aside.
 10 So if you can turn to the 2020 Poll
 11 Worker Manual, and I think that was Exhibit 4, I
 12 think. And then if you can turn to page 142.
 13 Yeah, the page number is on the bottom
 14 right-hand, and please take your time.
 15 A. Okay. 142.
 16 Q. Okay. So, you know, just take a minute
 17 to review it and then let me know when you're
 18 done.
 19 A. Specific page -- okay. All right.
 20 Q. Okay. Can you tell me what is meant
 21 by -- what do you understand canvassing absentee
 22 ballots. Like what does that mean?
 23 A. Canvassing primarily means counting the
 24 absentee ballot. I know it says counting here,
 25 but when you're counting a registering the

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1 absentee ballot.
 2 Q. Okay. So does canvassing and counting
 3 include the full process of, like, opening it
 4 and reviewing it and then ultimately making the
 5 decision as to whether it counts or not?
 6 A. They're part of the process. If we are
 7 dealing specifically with a poll worker, they
 8 are involved with the process of it, but not
 9 with the actual approval or disapproval.
 10 Q. Got it. And what is that process that a
 11 poll worker would be involved with using the
 12 absentee ballot?
 13 A. I had explained before. There are four
 14 on the team. One of the poll workers would open
 15 the ballot -- excuse me -- open the envelope and
 16 remove the contents.
 17 They would then take the voter
 18 application and the voter's statement and the
 19 voter ID and the actual ballot itself along with
 20 the envelope and pass that on to the election
 21 commissioner.
 22 We in turn would then check the voter's
 23 application and voter's statement. We would
 24 then check the ID, and if it is -- if everything
 25 there is correct, we put it together and give it

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1 to a poll worker who will then check it off from
 2 the list that was provided to us by the County
 3 Clerk's Office, and then that packet would go to
 4 the second poll worker who would write the
 5 individual's name and precinct on a form.
 6 Q. Okay. And when does that process of, you
 7 know, opening the ballot and taking out all the
 8 materials, when does that start?
 9 A. When does that start? We can actually
 10 begin that process prior to the election itself,
 11 and I believe it is seven days prior we can
 12 begin processing that, but we cannot open the
 13 actual ballot.
 14 Q. Got it. Okay. And in your experience,
 15 has, you know, some of that information like the
 16 voter's statement, ID, have you seen a voter
 17 ever put that in the ballot envelope itself?
 18 A. Yes.
 19 Q. Okay. So for those voters, you know, you
 20 wouldn't be able to open the materials until
 21 election day, right?
 22 A. Correct.
 23 Q. Okay. And so how are those materials --
 24 do you know how they're kept? Like if you're
 25 reviewing a week -- starting a week before the

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1 election, how are all the materials -- are
 2 they -- how are they stored for that week?
 3 A. They are generally, once it's processed
 4 and we find everything is correct with the
 5 information, it's stapled, and they are put in
 6 packets of 50 along with the form that one of
 7 the individuals is filling out specifically.
 8 They are then secured together, and they are
 9 stored in our office, in the Election Commission
 10 Office.
 11 Q. Got it. For review starting on election
 12 day; is that right? I can rephrase.
 13 So the ballots that are then stored --
 14 are then kept in the election office and the
 15 review begins on election day; is that right?
 16 A. The review does not begin on election
 17 day. The opening of the ballot begins on
 18 election day.
 19 Q. Okay.
 20 A. The processing we can begin seven days
 21 earlier because of the number of absentee
 22 ballots that we have.
 23 Q. Okay. Okay. So the comparison that's
 24 done between the voter's statement and the
 25 application, is that happening a week before

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1 election day?
 2 A. Yes.
 3 Q. Okay.
 4 A. It can be. It depends upon on how many
 5 absentee ballots we receive.
 6 Q. Okay. So for the general election, you
 7 would receive a ton, I'm guessing, and that
 8 review then you started a week before election
 9 day?
 10 A. Roughly, yes. Yes.
 11 Q. Okay. And if you can just look at
 12 page 143, the next page.
 13 A. Okay.
 14 Q. So I just want to know here, the line
 15 that starts: If everything is in order, and
 16 then bullet point one says: Clerk one reads
 17 aloud the voter's name and precinct from the
 18 voter's statement, and then there are three
 19 bullets that follow that.
 20 A. Yes.
 21 Q. And you've explained this process twice
 22 already, but just to be clear on the record:
 23 When does this happen? When the clerk one reads
 24 aloud the voter's name and clerk two lists the
 25 name and the precinct.

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1 A. This is when we are processing the
 2 application and the voter's statement.
 3 Q. Okay. So this can happen a week before
 4 election?
 5 A. Roughly, yes.
 6 Q. Okay. And is it the commissioners that
 7 undertake this process or is it the two clerks
 8 here?
 9 A. This is from 2020?
 10 Q. Uh-huh.
 11 A. Not 2022? The process has changed a
 12 little bit.
 13 Q. Okay.
 14 A. Okay. Because the registering of listing
 15 the name and the precinct is done by the fourth
 16 person at the table, rather than at the second.
 17 There has been a change in the process from 2020
 18 to 2022, and I was referring to the 2022, rather
 19 than 2020.
 20 Q. Got it. So do you remember or do you
 21 recall what the process was in 2020? And if you
 22 don't, it's fine.
 23 A. Not specifically because we've been
 24 through so many of them since then. There's
 25 been a slight change in who is doing what at the

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1 table. But the election commissioner that makes
 2 the decision, the poll workers are there just as
 3 help.
 4 Q. As help?
 5 A. Yes, for lack of a better term, yes.
 6 Q. So I'm going to refer to three documents
 7 at the same time, and if you can -- so if you
 8 can look at -- have the County Board of Election
 9 Commissioners Procedures Manual and then -- and
 10 then open this up to page 88 if possible.
 11 A. 88?
 12 Q. Yeah, 88, at the bottom right corner.
 13 A. Okay.
 14 Q. And then you can open the training manual
 15 for 2022.
 16 MR. MOSLEY: What page are you going
 17 to, Counsel?
 18 MS. CHAUDHURI: Page 966 -- the last
 19 three digits of this -- these numbers at the
 20 bottom.
 21 MR. MOSLEY: Nine what again?
 22 MS. CHAUDHURI: 966.
 23 MR. MOSLEY: Thank you. What page
 24 of the manual? What page of Exhibit 2.
 25 MS. CHAUDHURI: Page 88 of

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1 Exhibit 2.
 2 THE WITNESS: Okay.
 3 BY MS. CHAUDHURI:
 4 Q. I need to get on that page -- next page.
 5 And the third document was the 2020 training
 6 that we were looking at. If you could open that
 7 up to page 145.
 8 MR. MOSLEY: 2020 poll worker
 9 training?
 10 MS. CHAUDHURI: Correct.
 11 MR. MOSLEY: And what was the page
 12 again?
 13 MS. CHAUDHURI: Page 145, please.
 14 MR. MOSLEY: Thank you.
 15 BY MS. CHAUDHURI:
 16 Q. Okay. So please take your time, please,
 17 but for page 88 of the CB -- the 2022 manual --
 18 A. Uh-huh.
 19 Q. -- can you just look over the best
 20 practices that we have there? Just take your
 21 time and review it.
 22 A. Okay.
 23 Q. Okay. And then so what I want to focus
 24 on is the voter's address and that portion, and
 25 so if you can then turn to the 2022 County Board

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1 of Election Commissioners training, which I
 2 believe is Exhibit 3, and we were opened to 966
 3 on that and just take a look at it.
 4 A. Okay.
 5 MR. MOSLEY: For the record, what
 6 you're having him look at are what appear to be
 7 samples out of Saline County, Arkansas; is that
 8 correct?
 9 MS. CHAUDHURI: Yes, I'm having the
 10 Chair look at the State County Board of
 11 Commissioners training and the samples provided
 12 in that training.
 13 MR. MOSLEY: But specifically --
 14 MS. CHAUDHURI: It's from a
 15 different county, correct.
 16 THE WITNESS: I reviewed it.
 17 BY MS. CHAUDHURI:
 18 Q. Okay. Thank you. And so if you look at
 19 the sample application from Saline County, it
 20 shows that the residential address on the
 21 voter's statement is different from the
 22 residential -- totally different from the
 23 residential address on the absentee ballot
 24 application, right?
 25 MR. MOSLEY: Objection to form.

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1 Go ahead.
 2 THE WITNESS: Right.
 3 BY MS. CHAUDHURI:
 4 Q. So if you were in that instance, what
 5 would the commission do? Would it reject --
 6 what would the Benton County Commission do?
 7 Would it reject this absentee ballot?
 8 A. We would temporarily reject it so that
 9 all three of the commissioners can review it.
 10 Any absentee ballot that is rejected, we write a
 11 note indicating why we are temporarily rejecting
 12 it, and then all three of us will review them at
 13 a later time.
 14 Q. And so during that review, in this
 15 instance where the addresses don't match at all,
 16 do you have a process for deciding whether,
 17 ultimately, to count that absentee ballot or
 18 not?
 19 MR. MOSLEY: Object to form.
 20 You can answer. You can answer,
 21 Chairman.
 22 THE WITNESS: We do have a process.
 23 We try to count every vote that we possibly can.
 24 This is, you know, in violation of what is
 25 written in the law because it was not -- the

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1 individual's address was placed on here, the
 2 P.O. box was.
 3 BY MS. CHAUDHURI:
 4 Q. Okay. And I'm going to give you another
 5 hypo. If the individual, you know, messes up on
 6 their zip code, has two digits that are
 7 different, then what would be your process for
 8 assessing that?
 9 A. If it was the -- if they were both the
 10 same address on Main Street, but we were off one
 11 digit on the zip code, we would count that.
 12 Q. Okay. Now, in this Document 2022 County
 13 Board of Election Commissioners Training,
 14 Exhibit 3, if you can turn to -- if you can turn
 15 to page 962, that would be great. Thank you.
 16 A. I'm there. What would --
 17 Q. Please review it. Let me know when
 18 you're done.
 19 MR. MOSLEY: You said 922?
 20 MS. CHAUDHURI: 962.
 21 THE WITNESS: Okay.
 22 BY MS. CHAUDHURI:
 23 Q. Okay. And for the record -- for the
 24 record, I state that -- I represent that this is
 25 from the training and shows absentee voter's

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1 statement, absentee application from the Saline
 2 County clerk.
 3 So do you see -- so this absentee voter
 4 statement was rejected because there was no date
 5 of the birth on the voter's statement; is that
 6 right?
 7 A. Correct.
 8 MR. MOSLEY: Object to form.
 9 BY MS. CHAUDHURI:
 10 Q. And so I want to focus on the date of
 11 birth issue.
 12 A. Uh-huh.
 13 Q. In this instance, if you receive an
 14 absentee voter's statement that has no date of
 15 birth, what -- is that ballot rejected or
 16 counted?
 17 MR. MOSLEY: Object to form.
 18 MR. WHITE: Object to form.
 19 THE WITNESS: This would be
 20 rejected -- temporarily rejected and reviewed by
 21 the three commissioners.
 22 BY MS. CHAUDHURI:
 23 Q. Okay. And what would be the process for
 24 review among the commissioners as to the date of
 25 birth?

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1 A. Sure. We would review it. The
 2 individual did not place their date of birth in
 3 the voter's statement, and it would be rejected.
 4 Q. Okay. And then so I'm going to give you
 5 hypo with a slight variation. Say the year of
 6 birth, there was a birth date, but the year was
 7 incorrect, what process would the commission use
 8 to decide whether to count or reject that
 9 ballot?
 10 MR. MOSLEY: Object to form.
 11 THE WITNESS: That would depend
 12 upon -- you said the year was incorrect. I know
 13 many times -- I won't say many times, but
 14 sometimes they put down the present year, 2022,
 15 rather than their actual year of birth, and we
 16 would go ahead and count that because that is --
 17 I hate to say it's common, but it does happen
 18 when people are filling things out.
 19 BY MS. CHAUDHURI:
 20 Q. Okay. And what other documents would the
 21 commission look at to verify that voter's
 22 identity? You would presumably rely on other
 23 documents; is that right?
 24 A. Other documents other than what we have?
 25 Q. In the ballot itself, provided by the

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1 voter.
 2 A. Sure. We would check the address, which
 3 we did on the previous one. That is the first
 4 thing that I normally check. Then we would
 5 check the signature.
 6 Q. Uh-huh.
 7 A. The date of birth on the individual just
 8 to make sure that, you know, it is correct, but
 9 those are the things that, you know, we do check
 10 relative to this. There's a flow of what you do
 11 when you're doing all these time as to what you
 12 check on the voter's statement versus the
 13 application.
 14 Q. Got it. And the voter has to provide a
 15 photo ID?
 16 A. Yes, they do, correct.
 17 Q. Okay. And so is it possible to verify a
 18 voter's identity using this other information
 19 that's in the ballot, you know, if there's a
 20 discrepancy in the date that we discussed?
 21 MR. MOSLEY: Object to form.
 22 You answer.
 23 BY MS. CHAUDHURI:
 24 Q. I can rephrase if you want?
 25 A. Okay. If we're using other data to

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1 verify, this is what we utilize in order to
 2 verify an individual.
 3 Q. Okay. I mean, I'm just trying to
 4 understand how important is the birth date in
 5 this case to being able to verify the identity
 6 of that voter?
 7 MR. MOSLEY: Object to form.
 8 THE WITNESS: It is just as
 9 important as the signature because that is what
 10 the laws says must be completed, and it
 11 indicates it here very plainly that this has to
 12 be completed. It would be like filling out any
 13 kind of an application. If it is not filled out
 14 correctly, it cannot be accepted, not only here,
 15 but, I mean, anywhere.
 16 BY MS. CHAUDHURI:
 17 Q. Okay. Okay.
 18 MR. MOSLEY: Can we go off the
 19 record?
 20 THE VIDEOGRAPHER: We're off.
 21 (Discussion off the record.)
 22 THE VIDEOGRAPHER: We're back on at
 23 11:26 a.m.
 24 BY MS. CHAUDHURI:
 25 Q. All right. So before the break,

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1 Chairman, we were comparing different absentee
 2 ballot scenarios that are in the 2022 State
 3 Board of Election Commissioners County Board of
 4 Election Commissioners training, and that was
 5 Exhibit 3.
 6 So I'd like you -- and then we were
 7 comparing that to Exhibit 2, the 2022 Election
 8 Commissioners Manual, and so if you can reopen
 9 that manual to page 88 the best practices, and
 10 then can you read out loud for me the paragraph
 11 that starts: Voters signature?
 12 A. The voter's signature should be found
 13 comparable unless the voter's signature is on
 14 the voter's statement is sufficient disclaimer
 15 to the signature on the absentee ballot
 16 application so that the reviewing officials are
 17 left with an abiding conviction that the
 18 signatures being compared are written by two
 19 different people.
 20 Q. Okay. So what is the process that your
 21 commission undertakes to compare signatures?
 22 A. The process is looking at the voter
 23 application and the voter's statement and making
 24 a comparison. If the signatures are close at
 25 all, you know, they continue to be processed.

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1 Q. Okay.
 2 A. The signatures have to be very, very,
 3 very different before we would take that
 4 particular application and the paperwork with it
 5 and set it aside so that all three of us can
 6 review it, but we make every attempt possible to
 7 approve an application for a registered voter.
 8 Q. Okay. And by application you mean an
 9 absentee ballot?
 10 A. Yes. Correct.
 11 Q. Okay. You know, general moving away, we
 12 talked about date of birth, address, signature,
 13 different scenarios concerning each of those.
 14 Do you have an opinion as to whether it's
 15 important to be able to make these comparisons?
 16 MR. MOSLEY: Object to form.
 17 MR. WHITE: Same objection.
 18 THE WITNESS: We just try to follow
 19 what the law says in order to approve or
 20 disapprove. We feel that the information that
 21 is requested of the individual on their
 22 statement is very explicit, and it's like an
 23 application for anything that you apply for. If
 24 it's not completed, it's going to be rejected.
 25 That's what we try to do. We try to

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1 follow the law to the best of our ability in
 2 order to approve an absentee ballot. We surely
 3 don't want to reject any. We don't have any
 4 kind of quota by any stretch of the imagination.
 5 We wish to pass everyone, and we
 6 wish we could.
 7 BY MS. CHAUDHURI:
 8 Q. And, again, generally, has your process
 9 for reviewing the voter's statement and the
 10 absentee ballot application and comparing these
 11 different data points, has it changed at all in
 12 the past two years in any significant way?
 13 A. No.
 14 Q. Okay. So you've always been using --
 15 A. The same process.
 16 Q. -- the same process?
 17 A. Yes. That's what the law indicates, yes.
 18 Q. Okay. So are you familiar with the
 19 process of Notice and Opportunity to Cure given
 20 to voters whose ballots are maybe rejected for
 21 various reasons?
 22 A. There's only one that I know of, and
 23 where there's any kind of a cure for an absentee
 24 ballot.
 25 Q. And what kind of ballot?

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1 A. That is if the individual does not
 2 include a valid photo ID. They are -- we send
 3 them a letter the day after election, and they
 4 have until noon the following Monday in order to
 5 provide a valid photo ID, either to the County
 6 Clerk's Office or to the Election Commission.
 7 Q. Okay. And -- strike that.
 8 And so the absentee ballots that come in
 9 without a photo ID, are they treated -- do you
 10 know if they're treated as provisional ballots?
 11 A. We review everything that is rejected
 12 when we're going through the process initially.
 13 They are reviewed. They are set aside and one
 14 of the clerks in my office then gets a letter
 15 out the following day, which I have to sign,
 16 going to the individual, informing them of what
 17 they can do to rectify their vote being counted.
 18 Q. And to your knowledge, there's no other
 19 cure -- is there any other cure process provided
 20 to absentee voters if their ballot is rejected?
 21 A. Not that I'm aware of, no.
 22 Q. Okay. Do you have any opinion as to
 23 whether it would be good or bad to provide
 24 absentee voters whose ballots are rejected with
 25 a cure?

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1 MR. MOSLEY: Object to form.
 2 MR. WHITE: Same objection.
 3 THE WITNESS: Do I have an opinion
 4 on that?
 5 BY MS. CHAUDHURI:
 6 Q. Or does the Chair have an opinion whether
 7 it would be good or bad to allow absentee voters
 8 ballots that have been rejected for deficiencies
 9 to be cured?
 10 MR. WHITE: And my objection -- this
 11 is Brooks White. I object to the form of that
 12 question.
 13 MR. MOSLEY: Join.
 14 THE WITNESS: I hesitate to give an
 15 opinion because any opinion that I would provide
 16 you would be something that is against state law
 17 dealing with absentee ballots, and I just try to
 18 follow the law.
 19 My opinion -- in my opinion, you
 20 know, doesn't mean very much. I wish people
 21 could follow instructions that are provided to
 22 them when they're filling out their statement.
 23 BY MS. CHAUDHURI:
 24 Q. Okay. We can put these away.
 25 A. Yes, ma'am.

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1 MS. CHAUDHURI: So, Madam Court
 2 Reporter, I'm introducing Exhibit 6 and handing
 3 it to Chair Anzalone.
 4 MR. WHITE: Just to be clear: You
 5 are asking moving for a -- for identification
 6 purposes at this time.
 7 MS. CHAUDHURI: Yeah, to identify
 8 the document, yes.
 9 (Exhibit Number 6 was marked.)
 10 BY MS. CHAUDHURI:
 11 Q. Chair, do you recognize this document?
 12 A. I believe I do, yeah.
 13 Q. Okay. And can you describe what it is?
 14 A. Not right offhand without completely
 15 reading through it again because I do not
 16 believe we were able to provide this information
 17 because we did not have it at the time.
 18 Q. Yeah. So I will represent to you just to
 19 speed it up that this was a public records
 20 request under Arkansas Public Records Law that
 21 we sent to Honorable Betsy Horal, the clerk, and
 22 you --
 23 A. Correct.
 24 Q. -- and we requested information related
 25 to absentee ballots. And do you remember --

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1 A. Absentee? I was thinking of a different
 2 FOI that we had received that requested
 3 information from our computer data, but we did
 4 not have the capability to do that.
 5 Q. Oh, okay.
 6 A. I would need to go through this again if
 7 you would like, unless you want to summarize it.
 8 Q. I don't have any questions on it. I was
 9 just Mr. Mosley --
 10 MR. MOSLEY: Do you recognize this
 11 letter? Do you recall it?
 12 THE WITNESS: I don't recall this
 13 one. I recall a different one that we had
 14 received, not this one.
 15 MR. MOSLEY: Understood.
 16 MS. CHAUDHURI: Okay.
 17 BY MS. CHAUDHURI:
 18 Q. That's fine. We can put it away.
 19 MS. CHAUDHURI: I'm introducing
 20 another document for identification purposes,
 21 marking as Exhibit 7.
 22 (Exhibit Number 7 was marked.)
 23 BY MS. CHAUDHURI:
 24 Q. And, Chairman, do you recognize this
 25 document?

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1 A. No.
 2 Q. Okay. And for the record, I'll describe
 3 it as a letter dated September 2nd, 2022, from
 4 the office of Kimberly Dennison, and it's a
 5 response to the foyer request that was
 6 introduced as Exhibit 6, I believe.
 7 And can you read, Chairman, out loud,
 8 just, Number 1 what it says?
 9 MR. MOSLEY: Objection to form.
 10 He's not identified it.
 11 But you answer, Chairman.
 12 THE WITNESS: The number of absentee
 13 ballot applications submitted, the number
 14 returned, the number accepted or rejected, and
 15 the reason, spreadsheet attached.
 16 BY MS. CHAUDHURI:
 17 Q. Okay. And is your name on this document
 18 on the top left-hand corner?
 19 A. Yes, it is.
 20 Q. Okay. I am now introducing Exhibit 8,
 21 handing it to Counsel.
 22 (Exhibit Number 8 was marked.)
 23 BY MS. CHAUDHURI:
 24 Q. Okay. Chairman, do you know what this
 25 document is?

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1 A. I can only take a guess, but I do not
 2 know, no.
 3 Q. Okay. So I represent to you that this
 4 was produced to us by the County as part of
 5 foyer request that was introduced. And did you
 6 recall reviewing any of the documents that were
 7 put together to send to us in response to the
 8 foyer request?
 9 MR. MOSLEY: Objection to form, lack
 10 of authentication.
 11 THE WITNESS: I don't know. I can't
 12 -- I would say no because I don't know what the
 13 document is. There isn't any heading on the
 14 document. I don't think my signature's on it.
 15 I don't know.
 16 BY MS. CHAUDHURI:
 17 Q. Yeah, so it was produced to as part of a
 18 foyer. All I'm asking is did you see it? Did
 19 you review it?
 20 A. No.
 21 Q. Okay. Okay. That's fine.
 22 MS. CHAUDHURI: Okay. I'm
 23 introducing another document. You can put that
 24 away. Exhibit 9. This is my copy. Mark this
 25 as Exhibit 9.

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1 (Exhibit Number 9 was marked.)
 2 BY MS. CHAUDHURI:
 3 Q. Okay. Chairman, I'll represent to you
 4 this document is titled: Absentee ballots not
 5 accepted general election 11/3/2020. Is this a
 6 document that you recognize?
 7 A. I would say possibly. I cannot say yes
 8 or no. It was two years ago. We submit through
 9 every election, but if this was from 2020,
 10 probably, yes.
 11 Q. Okay.
 12 A. Just trying to give you an honest answer.
 13 Q. Yeah. I mean, so would you be able to
 14 answer questions about this document?
 15 A. Well, go ahead. The explanation and the
 16 reason is indicated here as to why they were
 17 rejected, but go ahead.
 18 Q. Do you know how it was compiled?
 19 A. Compiled from the absentee ballots which
 20 we reviewed and, for the presidential election
 21 in 2020, and all these were reviewed by all
 22 three of us and the reason that was stated was
 23 the reason they were rejected.
 24 Q. Okay. And for the reasons stated, do you
 25 write those reasons manually on the ballot or

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1 are they from a drop down menu?
 2 A. No. What we have is a system that any
 3 possible reason that a ballot could be rejected,
 4 we have a form that is printed out, and it is
 5 checked and put on the envelope itself. All the
 6 material is put back in the envelope and then
 7 the three of us review it.
 8 After the three of us review all of these
 9 different applications or the different ballots,
 10 the reason that we reject them is then stated.
 11 Q. Okay. Is that form internal to Benton
 12 County or is it provided by the Secretary of
 13 State's Office?
 14 A. I'm not certain if we did that internally
 15 or not. I think we did it internally for -- to
 16 speedup the process, otherwise we have to write
 17 a specific note. This way we can just check off
 18 the specific block, put it on the envelope, put
 19 everything back in there and proceed on.
 20 Q. Got it.
 21 A. It takes us at least a minute to process
 22 every application, and when you're dealing with
 23 hundreds and thousands of applications, or
 24 ballots, you wish to be able to do things as
 25 quickly as possible, but still be correct.

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1 Q. And have you used this checklist that you
 2 described -- did you use it in 2020 when
 3 reviewing ballots, absentee ballots?
 4 A. I believe we did because we had so many
 5 ballots, absentee ballots for that presidential
 6 election, we wanted to be able to speedup the
 7 process, yet not a create a situation where we
 8 were not dissolving the integrity of what we
 9 were doing.
 10 Q. And, again, this was two years ago, but
 11 do you recall if you used that checklist in 2020
 12 for the 2020 general election?
 13 A. I believe that's when we initiated it,
 14 yeah.
 15 Q. Okay.
 16 A. I don't recall whether it was from the
 17 State or whether we did that internally.
 18 Q. Okay. If you turn to the third page of
 19 this document, if you go down to the middle,
 20 there are four block cells, you know, look at
 21 the reason. There are four cells that say
 22 signature did not match. Do you see that?
 23 A. Yes.
 24 MR. MOSLEY: What page are you
 25 looking at, Counsel?

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1 MS. CHAUDHURI: Counsel, page 3.
 2 BY MS. CHAUDHURI:
 3 Q. Do you recall any of the specifics of
 4 these four cases? Okay.
 5 A. No.
 6 Q. Okay. That's fine. And do you know if
 7 similar records have been kept for the 2022
 8 general election with respect to absentee
 9 ballots that were not accepted?
 10 A. If we were required to make a document
 11 like this, we're probably still processing it
 12 because the election was a couple of weeks ago,
 13 and we're into a runoff. Right now I think I
 14 have nine elections going on right now.
 15 Q. Yeah. Do you recall if this data is sent
 16 to the State in any way, shape, or form?
 17 A. I don't know.
 18 Q. Okay. Would someone in your office be in
 19 a better position to know if how -- if any data
 20 transmitted the State?
 21 A. That would be the election coordinator
 22 which is Kimberly Dennison.
 23 Q. Okay. And who is responsible for, sort
 24 of, logging all of this data and maintaining it?
 25 A. Logging it and maintaining it, there may

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1 be a few people within the office that are
 2 involved with compiling the information, but,
 3 again, I think the responsibility would be on
 4 Kim Dennison --
 5 Q. Okay.
 6 A. -- as a whole.
 7 Q. Okay. And do you know how long this data
 8 is generally kept?
 9 A. Normally, we are required to maintain all
 10 election data for two years, and then it is
 11 shredded.
 12 Q. Does that include like compilations of
 13 data as well? Is that shredded as well?
 14 A. Everything.
 15 Q. Everything?
 16 A. Yes.
 17 Q. Okay. Are you familiar with the Ballot
 18 Disposition Report?
 19 A. The Ballot Disposition -- I don't know
 20 recognize that specific term.
 21 Q. I didn't want to bring it out again.
 22 A. Oh, that --
 23 Q. The commissioners training. And I'll
 24 just show you what it is. It was introduced as
 25 an exhibit, but the top looks like this, Chair?

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1 A. This.
 2 Q. Okay. So if you turn to page 987, bottom
 3 last three digits of the number at the bottom.
 4 A. 987.
 5 Q. So I represent that 987 is a copy of the
 6 Ballot Disposition Report. Do you recognize
 7 what this -- have you ever seen this before?
 8 A. I can't specifically say that I have, no.
 9 Q. Do you know who in your office would be
 10 the one to fill out Ballot Disposition Reports?
 11 A. It would either be Kim or Serena, one or
 12 the other.
 13 Q. And Serena is a coordinator as well?
 14 A. She is the assistant coordinator.
 15 MR. MOSLEY: And for the record,
 16 what is her last name?
 17 THE WITNESS: I don't know Serena's
 18 last name.
 19 BY MS. CHAUDHURI:
 20 Q. It's fine. I don't need to know Serena's
 21 last name. I just wanted to know, you know, if
 22 you do anything with this, if the commissioners
 23 fill this out. But it sounds like it's the
 24 county clerk. Okay. We can put it away.
 25 MS. CHAUDHURI: I'm introducing

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1 exhibit -- sorry, Madam Court Reporter, do you
 2 know what exhibit number I'm on?
 3 MS. CHAUDHURI: I'm introducing
 4 Exhibit 10.
 5 (Exhibit Number 10 was marked.)
 6 BY MS. CHAUDHURI:
 7 Q. Exhibit 10 is titled Absentee Ballot
 8 2018-2022. Is this a document that you have
 9 seen before Commissioner -- Chair?
 10 A. I do not believe I have seen this before.
 11 Q. Okay. Okay. We can put it away.
 12 MS. CHAUDHURI: Can we take a short
 13 break?
 14 MR. MOSLEY: Yes.
 15 MS. CHAUDHURI: 15 minutes.
 16 THE VIDEOGRAPHER: We're off 11:58.
 17 (Discussion off the record.)
 18 THE VIDEOGRAPHER: We're on at
 19 12:18 p.m.
 20 BY MS. CHAUDHURI:
 21 Q. All right. Commissioner, I'm actually
 22 close to being done here. I want to -- so I'm
 23 going to introduce this document. It's
 24 Exhibit 11.
 25 (Exhibit Number 11 was marked.)

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1 BY MS. CHAUDHURI:
 2 Q. So you represent to you the title is sign
 3 in/out for County election reimbursement, County
 4 Benton, primary. Do you -- have you ever seen
 5 this document before?
 6 A. Not the top page.
 7 Q. Okay. Please look at the rest of the
 8 pages and let me know when you're ready.
 9 A. Yes, I can recognize this. Yes.
 10 Q. Okay. Are you done looking at it?
 11 A. I recognize the document you asked me
 12 whether I recognize it, yes.
 13 Q. Okay. And does this document reflect the
 14 summary of costs for preferential primary
 15 elections?
 16 A. Okay.
 17 Q. Do you see that on page 3?
 18 A. Yes.
 19 Q. Okay. And then do you see at the bottom
 20 of the grand total and then it says 110,701.58?
 21 A. Yes.
 22 Q. Okay. So this is the cost of the a
 23 preferential primary. Do you happen to have an
 24 idea of what the cost would be for administering
 25 a general election?

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1 A. This was 2020. Just trying to take a
 2 look at the date. For the general election of
 3 what year? Again, please.
 4 Q. General election of 2020. Do you have a
 5 rough sense or idea what the total costs would
 6 be for the 2020 general elections?
 7 A. I believe it was much higher because of
 8 precautions were taking dealing with COVID, and
 9 the things we had to do, the preventions, the
 10 putting up of screens and things, but I probably
 11 have this at my house in my file, but as far as
 12 the general election, no.
 13 Q. So you don't have an exact figure, but it
 14 was higher --
 15 A. I believe.
 16 Q. -- that the total reflected here?
 17 A. Yes.
 18 Q. Okay. And for the 2022, general, do you
 19 have a sense if that amount was higher than the
 20 amount reflected here?
 21 A. I don't believe it's been compiled yet.
 22 Q. Okay. How long does it take to compile
 23 the costs sheet?
 24 A. Well, it would be after we finish with
 25 the runoff elections before we're able to do

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1 that.
 2 Q. Okay.
 3 A. We had two recounts which took up a
 4 couple days of our time in order to prepare for
 5 the runoff election, so we just didn't have the
 6 time to do it then because of the two recounts
 7 that we had.
 8 Q. Got it. Okay. Okay. If you can turn to
 9 page 344, the last three digits of the number at
 10 the bottom.
 11 A. Okay.
 12 Q. Okay. Here the title of this page is
 13 Election Commissioner's Pay, and I want you to
 14 look at Section 3 which says commission
 15 meetings. Do you see that?
 16 A. Yes.
 17 Q. Okay. So line four says elect purpose,
 18 election day, process absentee signed
 19 preliminary and unofficial results March 3rd,
 20 2020. Do you see that?
 21 A. Yes.
 22 Q. And then it has a one under each of the
 23 commissioner's who attended, so it reflects that
 24 all three attended. So and if you can recall
 25 back to 2020, do you know if all the processing

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1 for this primary election for the absentee
 2 ballot occurred on March 3rd?
 3 A. This was the primary election --
 4 Q. Yes, in 2020?
 5 A. -- of 2020.
 6 Q. Uh-huh. If you don't recall, that's
 7 fine.
 8 A. I can't specifically recall that.
 9 Q. Okay. And same question for line five,
 10 discussion of provisional ballots, date,
 11 March 6th, 2020?
 12 A. At the provisional ballots in one day,
 13 and election date was March the 3rd in 2020; is
 14 that correct?
 15 Q. Yep.
 16 A. We normally, you know, do that following
 17 Monday at 1:00 because -- yeah.
 18 Q. Okay. And do you know -- forget 2020.
 19 For the 2022 general election, did you start
 20 processing ballot, absentee ballots, that is, a
 21 week before election day in 2022, this past
 22 cycle?
 23 A. Can I look at my calendar?
 24 Q. Yeah. Yeah. Absolutely.
 25 A. I'm old style. This works for me, and


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1 I've been using this for years and years and
 2 years.
 3 I believe we started election day was the
 4 8th of November. We did processing the
 5 afternoon of Friday the 4th. And possibly the
 6 7th as well to make sure there was sufficient
 7 time to do all of the absentees.
 8 Q. Okay. And then did you process any
 9 absentee ballots on election day?
 10 A. Oh, yeah.
 11 Q. The 8th?
 12 A. Yeah.
 13 Q. Okay. And same questions for provisional
 14 ballots. When did you start processing?
 15 A. 14th.
 16 Q. Okay.
 17 A. Which is the Monday after the election.
 18 Q. Got it. Okay. And you said that what
 19 time did you process them?
 20 A. 1:00 in the afternoon because we give
 21 individuals till noon time the Monday after the
 22 election to provide photo ID.
 23 Q. Uh-huh. In your experience, have you
 24 ever encountered any instances of absentee
 25 ballot fraud?

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1 A. About ballot fraud?
 2 Q. Yeah.
 3 MR. MOSLEY: Object to form.
 4 MR. WHITE: Join.
 5 THE WITNESS: Within Benton County,
 6 you're speaking of?
 7 BY MS. CHAUDHURI:
 8 Q. Within Benton County, yes.
 9 A. No. Not specifically, no.
 10 Q. Okay. That's all. I don't have any
 11 other questions.
 12 MR. MOSLEY: Reserved for trial.
 13 THE VIDEOGRAPHER: We're off at
 14 12:29 p.m.
 15
 16 FURTHER THIS DEPONENT SAITH NOT.
 17 (Proceedings concluded at 12:29.)
 18
 19 _____
 20 RUSSELL ANZALONE
 21 Subscribed and sworn to before me
 22 this ___ day of _____, 2022.
 23
 24 _____
 25 Notary public

Page 77

1 REPORTER'S CERTIFICATE
 2 I certify that the witness in the
 3 foregoing deposition, was by me duly sworn to
 4 testify in the within-entitled cause; that the
 5 said deposition was taken at the time and place
 6 therein named; that the testimony of said
 7 witness was reported by me, a Shorthand Reporter
 8 and Notary Public of the State of Tennessee
 9 authorized to administer oaths and affirmations,
 10 and said testimony, pages 5 through 76 was
 11 thereafter transcribed into typewriting.
 12 I further certify that I am not counsel
 13 or attorney for either or any of the parties to
 14 said deposition, nor in any way interested in
 15 the outcome of the cause named in said
 16 deposition.
 17 IN WITNESS WHEREOF, I have hereunto
 18 signed my hand and the seal of my office on the _____
 19 day of December, 2022.
 20
 21 
 22
 23 JENNIFER HAYNIE (License No. 403)
 24 My Commission Expires: 11/08/2022
 25

1 ERRATA SHEET
 2 VERITEXT/NEW YORK REPORTING, LLC
 3 CASE NAME: League Of Women Voters Of Arkansas Et Al. v. Thurston,
 John
 4 DATE OF DEPOSITION: 12/2/2022
 WITNESSES' NAME: Russell Anzalone
 5 PAGE LINE (S) CHANGE REASON
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
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 21 _____
 22 Russell Anzalone
 SUBSCRIBED AND SWORN TO BEFORE ME
 THIS ____ DAY OF _____, 20__.
 23
 24
 25 _____ MY COMMISSION EXPIRES:

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES

OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Exhibit 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LEAGUE OF WOMEN VOTERS OF ARKANSAS,)
ROBERT WILLIAM ALLEN, JOHN McNEE,)
AELICA I. ORSI, MARSHALL WAYNE)
SUTTERFIELD, SHIRLEY FAYE FIELDS,)
MARNETTE WENDI PENNINGTON, MARY J.)
McNAMER, and MYRA H. TACKETT,)
Plaintiffs,)

VS.

Case No.

5:20-cv-05174-PKH

JOHN THURSTON, in his official)
capacity as the SECRETARY OF STATE)
of ARKANSAS, and SHARON BROOKS,)
BILENDA HARRIS-RITTER, WILLIAM)
LUTHER, CHARLES ROBERTS, JAMES SHARP))
and J. HARMON SMITH, in their)
official capacities as members of)
the ARKANSAS STATE BOARD OF)
COMMISSIONERS,)
Defendants.)

VIDEOCONFERENCE VIDEOTAPED DEPOSITION OF
CARA LINDSEY GEAN
TAKEN REMOTELY ON BEHALF OF THE PLAINTIFFS
IN FORT SMITH, ARKANSAS
ON DECEMBER 5, 2022

REPORTED BY: DAVID BUCK, CSR

<p style="text-align: center;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 For the Witness, Sebastian Michael Mosley County, Arkansas: JASON OWENS LAW FIRM 4 (By Videoconference) 1312 W. Oak Street Conway, AR 72033 5 (501)764-4334 info@jowenslawfirm.com</p> <p>6</p> <p>7</p> <p>8 For the Plaintiffs: Dana McCann (By Videoconference) Cara Ortiz DEBEVOISE & PLIMPTON 9 919 Third Avenue New York, NY 10022 10 (212)909-6023 drmccann@debevoise.com</p> <p>11</p> <p>12</p> <p>13 For the Defendants: Brooks White (By Videoconference) ARKANSAS ATTORNEY GENERAL'S OFFICE 14 323 Center Street Suite 200 15 Little Rock, AR 72201 (501)682-2007 16 brooks.white@arkansasag. gov</p> <p>17</p> <p>18</p> <p>19 The Videographer: John Sims (By Videoconference)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 4</p> <p style="text-align: center;">C O N T E N T S</p> <p>1</p> <p>2</p> <p>3 Direct Examination By Ms. McCann 5</p> <p>4 Jurat Page 174</p> <p>5 Reporter's Certificate 176</p> <p>6</p> <p>7 Index of Exhibits</p> <p>8</p> <p>9 Page</p> <p>9 Exhibit Number 1 Bates DEFS_066860-067003 39</p> <p>10 Exhibit Number 2 Bates LWVAR0018623-0018670 70</p> <p>11 Exhibit Number 3 List and Reason for Provisional 77</p> <p>12 Exhibit Number 4 Bates DEFS_066644-0666859 97</p> <p>13 Exhibit Number 5 Bates LWVAR0018690 143</p> <p>14 Exhibit Number 6 Bates LWVAR0018692 150</p> <p>15 Exhibit Number 7 Bates LWVAR0003350 163</p> <p>16 Exhibit Number 8 Bates LWVAR0018694 167</p> <p>17 Exhibit Number 9 Bates LWVAR0018671-0018689 170</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">Page 3</p> <p style="text-align: center;">S T I P U L A T I O N S</p> <p>1</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED AND AGREED by</p> <p>4 and among the attorneys for the respective parties</p> <p>5 hereto that the remote deposition of CARA LINDSEY GEAN</p> <p>6 may be taken on behalf of the Plaintiffs on the 5th of</p> <p>7 December, 2022, in Oklahoma City, Arkansas, by David</p> <p>8 Buck, Certified Shorthand Reporter for the State of</p> <p>9 Oklahoma, taken pursuant to Subpoena.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED by</p> <p>11 and among the attorneys for the respective parties</p> <p>12 hereto that all objections, except as to the form of</p> <p>13 the question and the responsiveness of the answer, are</p> <p>14 reserved until the time of trial, at which time they</p> <p>15 may be made with the same force and effect as if made</p> <p>16 at the time of the taking of this deposition.</p> <p>17 * * * * *</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 5</p> <p>1 THE VIDEOGRAPHER: We are on the audio and video</p> <p>2 record. Today's date is December the 5th, 2022. The</p> <p>3 time is approximately 9:12 a.m. This is the</p> <p>4 videotaped deposition of Cara Gean. This is the case</p> <p>5 of League of Women Voters of Arkansas, et al. versus</p> <p>6 Thurston. My name is John Sims. I'm a videographer</p> <p>7 out of Little Rock, Arkansas.</p> <p>8 Will counsel please make a record of your</p> <p>9 appearance?</p> <p>10 MR. WHITE: I'm Brooks White with the Arkansas</p> <p>11 Attorney General's Office and I represent the</p> <p>12 defendants in this matter.</p> <p>13 MR. MOSLEY: I'm Mike Mose --</p> <p>14 MS. McCANN: Dana --</p> <p>15 MR. MOSLEY: I'm Mike Mosley and I'm with the</p> <p>16 Jason Owens Law Firm. I am Sebastian County's</p> <p>17 attorney including Ms. Gean's attorney.</p> <p>18 MS. McCANN: Dana McCann and I'm attorney with</p> <p>19 Debevoise & Plimpton on behalf of the plaintiffs in</p> <p>20 this matter.</p> <p>21 MS. ORTIZ: Cara Ortiz. I'm also an attorney with</p> <p>22 Debevoise & Plimpton and I am representing the</p> <p>23 plaintiffs in this matter.</p> <p>24 MR. MOSLEY: I'd like to -- to make a record of an</p> <p>25 objection. There was a -- some e-mails in one of the</p>

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1 e-mails I said I asked you to withdraw the subpoena
 2 for Ms. Gean because there are no plaintiffs in this
 3 case that are from Sebastian County, there is no
 4 allegation regarding Sebastian County or its board of
 5 election commissioners, the subpoena though references
 6 allegations in the lawsuit as it pertains to the CBEC
 7 presumably in Sebastian County and therefore I submit
 8 this is completely irrelevant and not discoverable.
 9 But moreover, you know, on Friday we did this with the
 10 Benton County board of election commissioners chair
 11 and there were questions that in my opinion were
 12 effectively attempts to make the chairman, Mr.
 13 Anzalone, an expert witness. I will object to those
 14 questions and I will go to court. Ms. Gean is not an
 15 expert with respect to any county board of election
 16 commissioners. She's not been -- that's not been
 17 asserted, she's not been paid an expert witness fee.
 18 And finally, there was an allegation in an
 19 e-mail recently this morning from Ms. McCann that this
 20 had -- this deposition had been set up by agreement in
 21 November. I know of no effort to reach out to the
 22 Sebastian County attorney, me or Mr. Owens, and so in
 23 no way, shape or form -- and if I'm wrong, Ms. McCann,
 24 please let me know and send me that correspondence
 25 where we agreed to produce her in November. Thank

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1 you. Otherwise, I'm going to stay out of your way and
 2 let you take your deposition.
 3 MS. McCANN: Yeah, I would just like to say thank
 4 you, Mr. Mosley. So your objection is noted on the
 5 record. The plaintiffs will reserve all rights. We
 6 responded in writing to your objection when it was
 7 given over the weekend and we noted in that -- in our
 8 response that the practices and procedures of the
 9 county board of election commissioners in Sebastian
 10 County is relevant to the claims in our case and that
 11 there is no need for standing to obtain discoverable
 12 information from Sebastian County and so we have
 13 responded in writing. We will follow up in writing if
 14 necessary. And as noticed in the deposition subpoena,
 15 Commissioner Gean is here to testify in her
 16 professional capacity as chair. So we have noted your
 17 objection and we will -- we will proceed.
 18 MR. MOSLEY: She is not the chair. But go ahead.
 19 THE WITNESS: Yeah, I'm not -- I'm not a -- I'm
 20 not the chairman.
 21 MS. McCANN: Apologies. And we'll get into what
 22 your role is on the county board.
 23 THE WITNESS: Sure.
 24 THE VIDEOGRAPHER: Okay, before I have the
 25 reporter swear the witness, Cara, can I get you to

Page 8

1 adjust your -- your laptop? I saw you adjust your
 2 camera. I just want to make sure you're on screen.
 3 THE WITNESS: Well, okay. This is not my -- I'm
 4 in my husband's office. He's an attorney as well and
 5 I don't know -- hang on, okay, just a second? Hang on
 6 just a second.
 7 (An off the record discussion was had.)
 8 THE VIDEOGRAPHER: Court reporter, will you please
 9 swear in the witness?
 10 CARA LINDSEY GEAN,
 11 after having been first duly sworn at 9:17 a.m.
 12 deposes and says in reply to the questions propounded
 13 as follows, to wit:
 14 * * * * *
 15 DIRECT EXAMINATION
 16 BY MS. McCANN:
 17 Q. All right. Good morning, Commissioner Gean.
 18 I want to make sure, we said it, so Gean is the
 19 correct pronunciation?
 20 A. That's right.
 21 Q. Awesome, okay.
 22 So I will just reintroduce myself. My name is
 23 Dana McCann. I am an attorney on behalf of the
 24 plaintiffs. And then you heard from my colleague,
 25 Cara Ortiz, who is also here in this. We as well as

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1 the lawyers committee for civil rights represent the
 2 League of Women Voters of Arkansas and a number of
 3 individual plaintiffs. So several of those plaintiffs
 4 have had their ballots rejected in the 2020 general
 5 election and we are challenging the absentee ballot
 6 canvassing process and the lack of an opportunity for
 7 notice and an opportunity to cure and related to the
 8 signature, date and address issues. So --
 9 MR. MOSLEY: Objection to the form. Counsel is
 10 testifying.
 11 MR. WHITE: Join in that objection as to
 12 characterization.
 13 MS. McCANN: Okay, your objection is noted.
 14 Q. (By Ms. McCann) So I will just begin with a few
 15 preliminary questions. Can you please state and spell
 16 your full name for the record?
 17 A. Yes. My name is -- my full name is Cara
 18 Lindsey Gean. Do you want me to spell all of it or
 19 just my first and last name?
 20 Q. Just your first and last name.
 21 A. Okay. C-a-r-a, and my last name is Gean,
 22 G-e-a-n.
 23 Q. Okay. And can you please state your address?
 24 A. Sixty-five --
 25 MR. MOSLEY: Objection. Objection. You don't

Page 10

1 need her personal address.
 2 You can state your husband's -- I object to
 3 her giving her -- her personal address. Why do you
 4 need it?
 5 MS. McCANN: Okay.
 6 Q. (By Ms. McCann) Commissioner Gean, can you
 7 please give your professional address, your employment
 8 address?
 9 A. The address -- I'm not employed. I'm at Gean
 10 Law Firm where my husband is an attorney.
 11 Q. Okay. Do you have an address for that
 12 location?
 13 A. Five eleven Garrison Avenue.
 14 Q. Okay. Okay. And are you a resident of
 15 Sebastian County?
 16 A. Yes.
 17 Q. Okay. And how long have you lived in
 18 Sebastian County?
 19 A. Let's see, most of my life. I was born in
 20 Little Rock, we moved here when I was, I can't -- I
 21 don't know, three I guess, lived in Oklahoma City a
 22 couple years in elementary school, my dad went back to
 23 be a dermatologist from a pediatrician. He's now --
 24 he was a dermatologist my -- the rest of my life and
 25 moved back in fifth grade and lived here. Went to

Page 11

1 Fayetteville for, you know, four years, came back and
 2 my husband's from here as well, so is -- was all his
 3 family.
 4 Q. Okay, great.
 5 And have you ever been deposed before today,
 6 before appearing today?
 7 A. No.
 8 Q. Okay. So before we dive into the more
 9 substantive questions, I would just note again I'm the
 10 attorney for plaintiffs in this case.
 11 A. Uh-huh.
 12 Q. We will ask you questions. You are expected
 13 to answer them truthfully. Although no judge is
 14 present, this is a formal legal proceeding and so it
 15 is akin to testifying in court. You'll notice that
 16 there's a court reporter. The court reporter will be
 17 writing everything down that is said for the duration
 18 of the deposition.
 19 A. Okay.
 20 Q. And for recordkeeping purposes, it's important
 21 that you verbalize your responses, so please refrain
 22 from gest -- responding by gesture or nodding. It's
 23 important that the court reporter is able to actually
 24 record your verbal responses. If you don't understand
 25 a question, please just let me know. I will rephrase

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1 it or I will ask the court reporter to reread the
 2 question back.
 3 And again, you may take a break at any time,
 4 just let me know and we'll go off the record and you
 5 can take a break. My only ask is that you don't
 6 request a break during a pending question.
 7 A. Sure.
 8 Q. And then the last thing is that the court
 9 reporter will be -- only be able to record one person
 10 speaking at a time, and so given that we're on Zoom it
 11 may be a little difficult to record if we speak over
 12 each other and I know that can be difficult sometimes
 13 with Internet connectivity issues, so please try to
 14 wait until I've finished saying my question before
 15 responding and, likewise, I will try to wait until
 16 you're finished responding before I start the next
 17 question.
 18 A. Sure.
 19 Q. Okay. Do you understand that your testimony
 20 today is being given under oath?
 21 A. Yes.
 22 Q. Do you understand that this testimony can be
 23 shown to a judge or a jury in the future in connection
 24 with this litigation?
 25 A. That's fine, yes.

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1 Q. Do you understand the consequences of
 2 providing false testimony?
 3 MR. MOSLEY: Objection.
 4 THE WITNESS: Yes.
 5 Q. (By Ms. McCann) You can answer.
 6 MR. MOSLEY: You answer. If I object, Ms. Gean,
 7 you still answer.
 8 THE WITNESS: Okay. Yes.
 9 Q. (By Ms. McCann) Is there any reason you cannot
 10 testify today?
 11 A. No reason why. No, I'm here.
 12 Q. Okay. And I previously asked if you had been
 13 deposed before. Have you ever testified under oath
 14 before just generally?
 15 A. No.
 16 Q. Okay. All right. So can you please state
 17 your current profession?
 18 A. A commissioner for Sebastian County, election
 19 commissioner for Sebastian County.
 20 Q. Okay. And who is your employer? The
 21 county --
 22 A. I represent the commission for Sebastian
 23 County.
 24 Q. Okay.
 25 A. I don't know my employer.

Page 14

1 Q. Okay. And can you briefly describe your
 2 professional background, so your professional
 3 background prior to becoming election commissioner?
 4 A. I don't have -- I don't have a background. I
 5 mean, I was an elementary teacher for a little bit,
 6 but I don't have a background in being a commissioner.
 7 Q. Okay. And are you a member of any current
 8 political party?
 9 MR. MOSLEY: Objection, form.
 10 You still answer, Ms. Gean.
 11 THE WITNESS: Yes.
 12 Q. (By Ms. McCann) Okay. And which political
 13 party are you a member of?
 14 A. Republican.
 15 Q. Okay. And how long have you been a member of
 16 that party?
 17 A. When I registered to vote.
 18 Q. Okay. Do you --
 19 A. So I don't know.
 20 Q. Do you recall when you registered to vote?
 21 A. Do what?
 22 Q. Do you recall when you registered to vote?
 23 A. I don't know really. I don't know. I
 24 can't -- I don't know. I can't remember.
 25 Q. So, is it your testimony that you became a

Page 15

1 member of the Republican Party when you first -- the
 2 very first time you registered to vote?
 3 A. I don't know. Whenever you're supposed to
 4 register to vote, you know, when you're younger, I'm
 5 sure that's what I did.
 6 Q. Okay.
 7 A. And I -- if I put a party down it would
 8 definitely have been Republican.
 9 Q. Okay. Okay. Are you currently a member of
 10 the county board of election commissioners?
 11 A. Am I what?
 12 Q. Are you a member of the county board of
 13 election commis -- commissioners?
 14 A. Well, I'm a commissioner. So there's only
 15 three commis -- commissioners on our board, so --
 16 Q. Uh-huh. And I mentioned earlier that you were
 17 the chair, so --
 18 A. No.
 19 Q. -- you corrected me.
 20 A. Right.
 21 Q. What is your position on the county board?
 22 A. Just a commissioner. There's three
 23 commissioners, there's one chair, two majority party,
 24 one minority.
 25 Q. Okay. And who is the chair of the county

Page 16

1 board?
 2 A. Who what? I'm sorry?
 3 Q. Who is the chair?
 4 A. Randy McFadden.
 5 Q. Okay. Okay. And I may say county board of
 6 election commissioners.
 7 A. That's fine.
 8 Q. Moving forward I may say CBEC.
 9 A. Sure.
 10 Q. Will you understand that to refer to -- CBEC
 11 to refer to the county board of election
 12 commissioners?
 13 A. Yes, that's fine.
 14 Q. Okay. Can you tell me how you became a
 15 commissioner on the county board?
 16 A. Well, the president of the Republican Party
 17 asked me if I would be interested in doing that,
 18 somebody was resigning and we need another one, so I
 19 said sure.
 20 Q. Okay. And were you elected to that position?
 21 A. I was I guess you could say elected. They
 22 voted me in by the Republican Party and I was sworn in
 23 in the clerk's office.
 24 Q. When did they vote --
 25 A. Excuse me, no, I was actually sworn in at the

Page 17

1 meeting, but I think it was by the county clerk.
 2 Q. Okay.
 3 A. I'm pretty sure.
 4 Q. And when approximately were you voted in to
 5 that position?
 6 A. I believe it was in January of 2021.
 7 Q. Okay.
 8 A. So I haven't been a -- in the commission that
 9 long.
 10 Q. Okay. And I'm -- can you describe a little
 11 bit about how that works in terms of the term -- the
 12 length of service and the terms? So when you're
 13 elected in, how long is that term, how long are you
 14 expected to serve?
 15 A. It is my understanding just as long as until
 16 you retire or whatever you call it, resign.
 17 Q. Okay. And are there any restrictions on how
 18 long you may serve in that role?
 19 A. Restrictions for myself, like not -- what do
 20 you mean by that?
 21 Q. Are there any restrictions given by the board
 22 itself? So when you're elected do --
 23 A. No. No. No, there's no, there's no term
 24 limits or anything like that, if that's what you're
 25 asking --

Page 18

1 MR. MOSLEY: Ms. Gean --
 2 THE WITNESS: -- as far as I -- as far as I know.
 3 I mean, I've only been in the commission a period.
 4 MR. MOSLEY: Ms. Gean, let Ms. McCann finish her
 5 question, please.
 6 THE WITNESS: Okay.
 7 Q. (By Ms. McCann) And apologies, I think I -- I
 8 did the same. So we'll try to keep the --
 9 And you mentioned you just joined. How
 10 long -- how long have you been in this position?
 11 A. Twenty -- I think it was -- I can't remember
 12 the date. I'm pretty sure it was in January 2021.
 13 Q. Okay.
 14 A. I was not in the commission in 2020.
 15 Q. Okay. What are your responsibilities as
 16 commissioner?
 17 A. Well, just make sure there's, you know, fair
 18 elections and I don't know, just overseeing the
 19 process that -- from the state.
 20 Q. When you say overseeing the process, what does
 21 that entail?
 22 A. Well, just going by the guidelines and the
 23 rules and the laws that -- from the state --
 24 Q. Okay.
 25 A. -- that we learned in the training. That's

Page 19

1 all.
 2 Q. Okay. Have you previously done any election
 3 related work other than your role as a commissioner
 4 now?
 5 A. Oh, no.
 6 Q. Okay. Have you ever been a poll worker?
 7 A. No. No, now I helped my -- I helped with my
 8 campaign for my brother, who is a circuit judge, but I
 9 don't know if that's what you're asking. But as far
 10 as poll working or in -- in the process of the
 11 election, no, besides --
 12 Q. You said -- sorry. You said --
 13 A. You asked if I had any previous election work,
 14 I mean, I -- I helped him campaign. I don't know if
 15 that's what you're asking --
 16 Q. Okay.
 17 A. -- before I was a commissioner.
 18 Q. Okay.
 19 A. Yeah.
 20 Q. So you, you helped your brother run for
 21 office?
 22 A. Well, I mean, you know what I mean, like I
 23 passed out, you know, things, you know, for signs and
 24 peoples' yards and stuff like that.
 25 Q. Okay. Have you ever served as chair of the

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1 county board?
 2 A. Yes. When the other chair of my majority
 3 party had to -- had to resign, Jason Vineyard, I
 4 was for I think it was about three weeks.
 5 Q. Okay.
 6 A. And that was just because we had that election
 7 coming up in November and Randy was very new and so we
 8 just left it like that and then we voted him in after.
 9 Q. Okay.
 10 A. It was decided by the three commissioners.
 11 Q. What was your role in those three weeks as
 12 chair?
 13 A. Well, basically as far as I understand talking
 14 to Daniel Shults, the only difference in the chairman
 15 than the other commissioner is that they call
 16 meetings.
 17 Q. Okay. Your day to day work as chair -- I'll
 18 rephrase.
 19 Did your day to day work as chair differ from
 20 your role as a commissioner?
 21 A. Not in those three weeks. I can't recall that
 22 we had another meeting in those three weeks. If I
 23 did, if we did that's the only thing it would have
 24 been is calling a meeting to, you know, like make sure
 25 everybody knows what time to be there, make sure we

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1 have poll workers, things like that.
 2 Q. Okay. And when you say call a meeting, what
 3 type of meeting are you referring to?
 4 A. Well, just a meeting with the three chairmen.
 5 Q. Okay.
 6 A. That's it.
 7 Q. Are these --
 8 A. Also the -- and the coordinator.
 9 Q. Okay. Are these regular meetings or are they
 10 ad hoc meetings?
 11 A. Most of the time they're just basically
 12 regular meetings that they -- that we have.
 13 Q. Okay. All right.
 14 A. And they're open to the public.
 15 Q. Okay.
 16 A. Yeah.
 17 Q. Okay. So you had mentioned earlier something
 18 about the commissioner training. So I want to talk
 19 about that a little bit more. When you became a
 20 commissioner did you receive any training on your
 21 role?
 22 A. Yeah, I went one time to Fayetteville.
 23 Q. I know you mentioned you were only chair for
 24 three weeks, but I have to ask. Did you receive any
 25 training for your role as chair? I understand it was

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1 a little bit of a unique situation, but did you
 2 receive any training when you became chair for that
 3 short period?
 4 A. No. I'm not aware that there is any special
 5 training for chair.
 6 Q. Okay. And when you received training as your
 7 role as a commissioner, it was in Fayetteville, when
 8 did that training take place?
 9 A. I'm sorry, I can't remember the date. I don't
 10 know.
 11 Q. Do you recall when in your tenure as
 12 commissioner? Was it shortly after you joined, was it
 13 several months after?
 14 A. Several months after, yeah.
 15 Q. And from the time that you began as a
 16 commissioner how many trainings have you attended,
 17 approximately?
 18 A. One.
 19 Q. Okay. And is that unique to you or are the
 20 other commissioners that you serve with, do you go to
 21 the trainings together? Is it -- is it typical for
 22 the trainings to take place in tandem, the county
 23 commissioners will go to Fayetteville together?
 24 A. It's offered several times throughout a year
 25 and like Little Rock, Fayetteville, just wherever you

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1 can work out the time and the place. And it's my
 2 understanding it's a once a year thing.
 3 Q. Okay. So, let me just make sure I understand
 4 for background. You serve as a commissioner and there
 5 are two commissioners that serve with you?
 6 A. That's right.
 7 Q. Is it correct that you may not attend the same
 8 training?
 9 A. The same training, that's correct. It's the
 10 same training but it might not be the same location.
 11 Q. Apologies. That's what I meant. You may not
 12 be attending the same physical training at --
 13 A. Right. It's exact same, yes, it's exact same.
 14 Q. And do you recall who conducted the most
 15 recent training that you attended?
 16 MR. MOSLEY: Objection to form.
 17 You still answer.
 18 THE WITNESS: Yeah, I'm sorry, I don't remember.
 19 Q. (By Ms. McCann) Can you give a sense of --
 20 I'll rephrase.
 21 Who else is in attendance at the trainings
 22 that you attend, that you most recently attended?
 23 MR. MOSLEY: Objection to form.
 24 You still answer.
 25 THE WITNESS: I'm not sure who all was attending.

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1 I just -- I'm sure it's other commissioners from other
 2 counties.
 3 Q. (By Ms. McCann) How many people were at the
 4 training, approximately, a small --
 5 A. Oh.
 6 Q. -- group or a large group?
 7 A. Not a huge group. I'm not good at that. I
 8 don't know.
 9 Q. Okay.
 10 A. Fifty people maybe, maybe 80. I don't know.
 11 It wasn't a huge, huge group but it was a decent
 12 amount.
 13 Q. And --
 14 A. Closer to 50 probably.
 15 Q. Okay. And when you joined as commissioner was
 16 the training mandatory?
 17 A. As far as I understand you have to -- you have
 18 to be trained.
 19 Q. Is it your understanding that the state county
 20 board of election commissioner leads the trainings for
 21 the county board of election commissioners?
 22 MR. MOSLEY: Objection to form. Are you asking --
 23 objection to form.
 24 MS. McCANN: I'll rephrase.
 25 THE WITNESS: Okay.

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1 Q. (By Ms. McCann) Does the state board of
 2 election commissioners play a role in the county board
 3 trainings?
 4 A. I don't know. I don't know.
 5 Q. Okay. And then also now that I'm talking
 6 about the state, similarly if I say SBEC going forward
 7 instead of the full state board, or I may just say
 8 state board in short, that will be referring to the
 9 state board of election commissioners. Is that okay?
 10 A. Yeah, that's fine.
 11 Q. When you attended the most sent training for
 12 the county, did you receive any materials in
 13 connection with that training?
 14 A. Yeah, we have -- they have a book, you know,
 15 with all the rules and regulations for the -- for the
 16 state, you know, what they require, make sure
 17 everything is correct and doing things right. And you
 18 had to take a little test, you know, and all that
 19 stuff.
 20 Q. And who, who provides that book?
 21 A. They just provided it at the training for us
 22 when we got there.
 23 Q. And in what format is the training book?
 24 MR. WHITE: Objection.
 25 THE WITNESS: It's just -- I can't remember if it

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1 was bound or stapled together, but it just had
 2 everything that we need to know.
 3 MS. McCANN: Is there a basis for the objection?
 4 I just want to make sure that that's on the record.
 5 MR. WHITE: It was just -- it was just vague. I
 6 didn't really understand what you're asking. Talking
 7 about the physical form of it, how it's bound or what?
 8 MS. McCANN: Just the -- just the reason for the
 9 objection is necessary. Thank you, counsel.
 10 Q. (By Ms. McCann) Okay, Commissioner Gean. You
 11 mentioned that you have to take a test. When is that
 12 test provided?
 13 A. Right at the end. Everyone is there taking it
 14 at the same time and you turn in the test.
 15 Q. And how long is the test?
 16 A. I mean, it wasn't that long. I mean, you can
 17 take as long as you want to within reason. I don't
 18 know how long it took me. I really can't remember.
 19 Q. Are there any requirements for the test in
 20 terms of whether you would need to retake it if you
 21 don't meet certain -- meet certain -- meet a certain
 22 number of questions correct or vice versa?
 23 A. I'm sure there was. They said I passed. So
 24 I'm guessing, you know, there was a pass/fail
 25 situation.

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1 Q. And in addition to the booklet that you
 2 mentioned, were you provided any other training
 3 materials?
 4 A. I can't remember to be honest.
 5 Q. And from the time that you received the book
 6 at the last training that you attended, how often have
 7 you consulted that booklet in connection with your
 8 role?
 9 MR. MOSLEY: Objection to form. Her testimony is
 10 she attended one training, not the last training she
 11 attended.
 12 Please answer, Ms. Gean.
 13 MS. McCANN: One training and the last training
 14 she attended would -- would be the same. So I
 15 would --
 16 MR. MOSLEY: In your mind it might be. I'm making
 17 my objection. I'm not going to argue with you, Ms.
 18 McCann.
 19 MS. McCANN: Thank you, counsel, for --
 20 MR. MOSLEY: Please, Ms. Gean, please, Ms. Gean,
 21 answer your --
 22 MS. McCANN: Thank you, counsel, for your
 23 objection. I would just like to know for the
 24 record --
 25 MR. MOSLEY: I'm done arguing with you.

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1 MS. McCANN: I -- I want to --
 2 MR. MOSLEY: My objection -- you don't get to
 3 respond.
 4 Ms. Gean, please answer.
 5 MS. McCANN: I'm speaking to the court reporter.
 6 THE WITNESS: Okay. Could you --
 7 MS. McCANN: I would like to make a note for the
 8 court reporter that the counsel for the deponent is
 9 making speaking objections and that is -- I object to
 10 speaking objections. Counsel needs to make an
 11 objection and state a reason. Speaking objections are
 12 not allowed in a deposition.
 13 MR. MOSLEY: I'm not going to be lectured by you,
 14 Ms. McCann.
 15 MS. McCANN: I'm speaking --
 16 MR. MOSLEY: You're done. You're done.
 17 MS. McCANN: Thank you, commissioner --
 18 MR. MOSLEY: You're done.
 19 THE WITNESS: To answer to your question, I don't
 20 know.
 21 Q. (By Ms. McCann) Okay. so you don't know when
 22 the booklet -- if you re -- when the booklet that you
 23 received, how often you consulted it?
 24 A. Yeah, I don't know.
 25 Q. Okay. Have you ever consulted it since the

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1 training?
 2 A. Yeah, I have but I don't know your -- the
 3 amount of times.
 4 Q. Okay.
 5 A. I don't -- I don't know.
 6 Q. That's fine. Okay.
 7 Have you seen your other commissioner,
 8 co-commissioners consult this, the booklet for the
 9 trainings?
 10 A. Have I seen them? I can't -- I don't -- I
 11 don't know if I've seen them. I don't know. The
 12 other commissioners, Lee Webb has been on the
 13 commission for over 12 years, so, I mean, I guess he
 14 doesn't need to consult the book. The other guy just
 15 joined, so no, he hadn't consulted the book, he just
 16 started.
 17 Q. Okay.
 18 MR. WHITE: I'll move to strike. That it is not
 19 responsive.
 20 Q. (By Ms. McCann) Okay. And the training that
 21 you attended, how long did that training last,
 22 approximately?
 23 A. Oh, I'd say about five hours.
 24 Q. And how are you notified about that, the
 25 training?

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1 A. I think the county clerk told me about it, the
 2 different times that I could -- you know, we could go
 3 to the training.
 4 Q. Okay. Do you recall when the county clerk
 5 told you about the training?
 6 A. No, I --
 7 MR. WHITE: Form.
 8 Q. (By Ms. McCann) Okay.
 9 A. No, just after I was sworn in, you know, you
 10 needed to go to a training and the different places
 11 would be provided, you know, that we can go to.
 12 Q. And do the trainings track the elections in
 13 that there are trainings available that correspond to
 14 when an election may be coming up?
 15 A. I don't know. I don't know when they're other
 16 offered. I just go when they're available.
 17 Q. Okay. All right. Did you receive training
 18 specifically on the distribution of absentee ballots?
 19 A. Yes, there was a training on absentees.
 20 Q. And what was the training on absentee ballots?
 21 Do you recall what topics were covered?
 22 A. I don't have that in front of me, so I don't
 23 recall. But there was a topic on -- a study on that.
 24 Q. Was canvassing covered in that training?
 25 A. Canvassing was one of the topics of that.

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1 Q. Was processing absentee ballots --
 2 A. Yes, that was -- that was talked about as
 3 well.
 4 Q. And what guidance on absentee ballots were you
 5 provided?
 6 A. I don't have that in front of me to -- to talk
 7 about that.
 8 Q. So, generally -- I'll rephrase.
 9 So is it -- can you describe what you learned
 10 about absentee ballots during that training?
 11 A. No. I can't go in detail. I don't have that
 12 stuff in front of me.
 13 Q. Can you describe any instructions that were
 14 provided to you in connection with absentee ballots?
 15 A. No.
 16 Q. Okay. So --
 17 A. I don't recall that.
 18 Q. Okay.
 19 A. I'd have to look at all that to go into
 20 detail.
 21 Q. Okay. So, I just want to clarify. Is it your
 22 testimony that as a commissioner you do not have an
 23 understanding of what the training is and the guidance
 24 is on absentee ballots?
 25 MR. WHITE: Objection.

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1 MR. MOSLEY: Objection to form, misquoting the
 2 witness.
 3 Please go ahead, Ms. Gean.
 4 THE WITNESS: No, I understand my training. I
 5 passed my test. Our commissioners, we work together
 6 as a group and we have the booklet to go by, the
 7 guidelines and the rules. We also can call Daniel
 8 Shults for any questions we have.
 9 Q. (By Ms. McCann) So, are you unable to
 10 provide -- are you able to provide any description of
 11 the guidance you received on absentee ballots without
 12 looking at the training book?
 13 A. I would -- I -- I'm not -- I'd like that book
 14 in front of me, yes, to answer those questions. It's
 15 a good guideline to go by. We also work together as a
 16 group. We work very well together as a commission
 17 group.
 18 Q. Okay. Do you recall any instructions that
 19 were provided with regard to canvassing absentee
 20 ballots?
 21 MR. WHITE: Objection.
 22 MS. McCANN: What's the objection?
 23 MR. WHITE: You already asked her that and she
 24 already answered.
 25 MR. MOSLEY: Join.

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1 Q. (By Ms. McCann) You can answer that.
 2 MR. MOSLEY: Ms. Gean, you still answer.
 3 THE WITNESS: Oh, I've already answered that.
 4 MR. MOSLEY: Ms. Gean.
 5 THE WITNESS: Yes.
 6 MR. MOSLEY: She's asked you a question.
 7 THE WITNESS: Uh-huh.
 8 MR. MOSLEY: You need to let Ms. McCain -- Ms.
 9 McCann ask her question again and --
 10 THE WITNESS: Okay, ask me again.
 11 MR. MOSLEY: We'll make our objection and you
 12 still answer.
 13 THE WITNESS: Okay, thank you.
 14 MS. McCANN: Can I please ask the court reporter
 15 to read back my last question?
 16 THE REPORTER: Yes, ma'am.
 17 (The record was read as directed.
 18 "Q. Okay. Do you recall any instructions that
 19 were provided with regard to canvassing absentee
 20 ballots?")
 21 THE WITNESS: I don't recall.
 22 Q. (By Ms. McCann) Okay. Can you describe any
 23 instructions that were provided on processing ballots
 24 with a date of birth that did -- did not match those
 25 listed on the voter statement?

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1 A. Say that again.
 2 Q. Do -- do you recall any instructions that were
 3 provided on processing absentee ballots with a date of
 4 birth that did not match the date of birth listed on
 5 the voter statement?
 6 A. Yeah, the date of birth has to match.
 7 Q. Do you recall any instructions that were
 8 provided on processing absentee ballots with an
 9 address that did not match the address listed on the
 10 voter statement?
 11 A. The address has to match. The address on the
 12 driver's license does not have to match. So like if
 13 somebody was in a nursing home and the driver's
 14 license had their other home address, the nursing home
 15 address on the form, that would count. Especially if
 16 they have a bearer, the bearer's name would be on
 17 there as a witness, that was correct.
 18 Q. Okay. And do you recall any instructions that
 19 were provided on processing absentee ballots with a
 20 name that did not match the name listed on the voter
 21 statement?
 22 A. Yes, the name has to match.
 23 Q. Okay. Do county commissioners receive
 24 training on signature matching?
 25 A. Yes, that's part of the training and they

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1 teach it.
 2 Q. Okay. And do county commissioners receive
 3 training on handwriting?
 4 A. Not training on handwriting, just that -- that
 5 they have to match within reason, but we're not a
 6 signature expert.
 7 Q. Can you describe the training that is provided
 8 on signature matching?
 9 MR. WHITE: Objection to form.
 10 THE WITNESS: I can't recall the exact training,
 11 no.
 12 Q. (By Ms. McCann) Okay. So, a moment ago we
 13 discussed the instructions that were provided,
 14 process -- provided on processing absentee ballots
 15 with certain information that did not match
 16 information listed on the voter statement. Is that an
 17 example of guidance that is provided to you at county
 18 trainings on signature matching?
 19 A. Yes. It has to match, yes.
 20 Q. Okay. And the guidance that you receive on
 21 signature matching during that training, about how
 22 long is that training out of the approximately five
 23 hours that you mentioned the training lasts?
 24 MR. WHITE: Object to form.
 25 You can still answer.

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1 THE WITNESS: I don't recall that. I'm sorry.
 2 Q. (By Ms. McCann) Would you say the training on
 3 signature -- the training or guidance on signature
 4 matching is less than an hour?
 5 MR. WHITE: Same objection.
 6 THE WITNESS: I can't recall. It's been a while
 7 since I've done that training.
 8 Q. (By Ms. McCann) But you do recall that there
 9 is a portion of --
 10 A. Yes.
 11 Q. -- the training that covers signature
 12 matching?
 13 A. Yes.
 14 Q. Okay.
 15 A. They went into detail, but time wise, I don't
 16 know the time.
 17 Q. How are county commissioners instructed to
 18 compare a voter's signature?
 19 MR. WHITE: Objection to form.
 20 MR. MOSLEY: Same.
 21 THE WITNESS: That they have to match.
 22 Q. (By Ms. McCann) Okay. What about the
 23 signature has to match?
 24 MR. WHITE: Object to form.
 25 MR. MOSLEY: Join.

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1 THE WITNESS: Best of our ability looking at it it
 2 has to match. That's all -- I mean, that's all I can
 3 say.
 4 Q. (By Ms. McCann) What aspects of the signature
 5 do you compare when -- when making a signature
 6 matching determination?
 7 A. For me --
 8 MR. WHITE: Object to form.
 9 THE WITNESS: I have never -- as a commissioner
 10 because I haven't been there very long, I have
 11 never -- we have never had that problem. Most of it's
 12 they don't have an ID, but you have to have an ID,
 13 period, to count the vote. So, most of our absentees
 14 if there's a problem with it, if they didn't put an ID
 15 in there they are then notified and they can come back
 16 in a week.
 17 Q. (By Ms. McCann) Okay, okay.
 18 Okay, Commissioner Gean, I have some documents
 19 here that I will share with you.
 20 A. Okay.
 21 Q. And I will note for the record that my team is
 22 preparing to provide the exhibits for defense counsel
 23 and for Commissioner Gean's counsel.
 24 MR. MOSLEY: Can we take a five minute break or 10
 25 minute -- let's take 10 minutes, Ms. McCann, and that

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1 may give your team time since it's now 50 minutes into
 2 the deposition and we don't have the exhibits. That
 3 may give us time to get the exhibits. How does that
 4 sound?
 5 MS. McCANN: We can take a break, sure.
 6 THE WITNESS: Okay, thank you.
 7 MR. MOSLEY: Ten minutes, back at 10:00 -- so Ms.
 8 Gean, what you're going to need to do is push mute and
 9 then do your --
 10 THE WITNESS: Okay.
 11 MR. MOSLEY: -- whatever you're going to do. Back
 12 at 10:00 o'clock. Thank you.
 13 THE WITNESS: Okay, thank you.
 14 THE VIDEOGRAPHER: We are going off the record.
 15 The time is approximately 9:50 a.m.
 16 (A recess was here had 9:50 to 10:04.)
 17 THE VIDEOGRAPHER: We are back on the record. The
 18 time is approximately 10:04 a.m.
 19 Q. (By Ms. McCann) Okay. Commissioner Gean, we
 20 were -- just before break we were discussing some of
 21 the training that you received as county commissioner.
 22 So I would like to discuss some documents with you.
 23 I'll share them on the screen. I'll let you take a
 24 look at the document before I hand just to familiarize
 25 yourself with it and then I'll start asking you some

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1 questions.
 2 MR. MOSLEY: Objection, objection to form to the
 3 extent that's a question. It sounds like counsel is
 4 testifying.
 5 MS. McCANN: It's not a question. I'm just making
 6 sure that Commissioner Gean understands the process
 7 when I screen share documents.
 8 MR. MOSLEY: Respectfully --
 9 Q. (By Ms. McCann) I will introduce the first
 10 document as Exhibit 1.
 11 (Plaintiff's Exhibit Number 1 marked for
 12 identification purposes and made part of the
 13 record.)
 14 Q. (By Ms. McCann) And I'll share my screen here.
 15 Commissioner Gean, are you able to see the document?
 16 A. Uh-huh.
 17 MR. MOSLEY: Ms. Gean, is that a yes or a no?
 18 THE WITNESS: Yes, yes. I'm sorry. Yes.
 19 Q. (By Ms. McCann) And just let me know as we go
 20 through if you have any issues with visibility.
 21 A. Okay. That's fine.
 22 Q. So it's quite a long document so I won't flip
 23 through all of the pages, but do you recognize this
 24 document?
 25 A. No.

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1 Q. Okay. Do you recognize any of the topics
 2 listed in the document?
 3 MR. MOSLEY: Which topics are you asking about,
 4 Ms. McCann?
 5 MS. McCANN: I'll rephrase. I'll rephrase.
 6 Q. (By Ms. McCann) Okay. Do you recognize this
 7 document as being a 2022 county board of election
 8 commissioners training?
 9 MR. MOSLEY: Objection to form, asked and
 10 answered, lack of authentication.
 11 MR. WHITE: Join.
 12 THE WITNESS: I can't say I recognize that, no.
 13 Q. (By Ms. McCann) Do -- when you attend
 14 trainings at the county -- when you attend trainings
 15 for the county commissioners, are you shown a
 16 PowerPoint or any slide presentation in connection
 17 with that training?
 18 A. Yes.
 19 Q. Okay. And the slide deck or PowerPoint is
 20 shown during the training that you --
 21 A. Yes. Shown during the training, yes. Yes.
 22 There's a lecture and, you know, PowerPoint together.
 23 I guess you call it PowerPoint. It's on the screen.
 24 Q. Okay. The document that I am showing is
 25 titled The 2022 County Board of Election Commissioners

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1 Training PowerPoint and I am on the page that is
 2 titled results, election day.
 3 A. Uh-huh.
 4 Q. Can you please just review the information on
 5 this page and let me know once you've had a moment to
 6 review it?
 7 MR. MOSLEY: Objection to form, lack of
 8 authentication.
 9 THE WITNESS: So you want me to read it, what?
 10 Q. (By Ms. McCann) I'm just asking you to review
 11 what's being shown and just let me know when you've
 12 had a moment to review it.
 13 MR. MOSLEY: Same objection.
 14 THE WITNESS: Okay.
 15 Q. (By Ms. McCann) Okay. Do Sebastian County --
 16 or does Sebastian County appoint clerks to process
 17 absentee ballots prior to the commissioner review?
 18 A. There is a -- I don't know if you call them
 19 clerks. There's some volunteers that -- that we go
 20 through the absentees prior to voting day. We do
 21 not -- they look at the, you know, make sure the ID is
 22 in there, everything is correct, filled everything out
 23 correct -- correctly and where the -- the -- the
 24 ballot is not opened. It's put back in the same
 25 packet, you know, that person. It's not open until

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1 voting day.
 2 Q. Okay. And who appoints the clerks or the
 3 volunteers?
 4 A. I'm not sure about that. It might be the
 5 election coordinator gets that together.
 6 Q. Who supervises the volunteers?
 7 A. The commissioners and the coordinator were
 8 there. We are -- we are present.
 9 Q. Have you been present -- have you been present
 10 during this process in your tenure as a commissioner?
 11 MR. MOSLEY: Objection to form.
 12 THE WITNESS: Yes.
 13 MR. MOSLEY: What is this process?
 14 Q. (By Ms. McCann) Have you -- I'll rephrase.
 15 Have you been present during the process of a
 16 clerk or volunteer processing an absentee ballot
 17 during your tenure as a commissioner?
 18 A. Yes.
 19 Q. And how many times have you been involved in
 20 that process since your start as a commissioner?
 21 A. I can't recall. At least, I think at least
 22 three.
 23 Q. During the times that you have been present
 24 during the process of volunteers processing,
 25 processing absentee ballots, what role have you

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1 played?
 2 A. We oversee it, making sure it's done
 3 correctly.
 4 Q. Can you describe the steps you take in order
 5 to make sure that a clerk or volunteer is processing
 6 the ballot correctly?
 7 A. We work together as a team, so I can't -- I'm
 8 not going to -- I can't go in detail on that. We make
 9 sure we follow the rules from the state, make sure
 10 it's done right.
 11 Q. So, can you describe from the time that a
 12 clerk or volunteer is given an absentee ballot to
 13 process, what is the first step that you take?
 14 A. Me, I don't take -- I just make sure --
 15 they're -- they have been trained on how to process
 16 those. If there are any questions they ask me, I
 17 look -- we -- we are there making sure that it's done
 18 right.
 19 Q. In your role as a commissioner and in the
 20 instances where you have been involved in this process
 21 of clerks and/or volunteers processing absentee
 22 ballots, what questions have you received from a clerk
 23 or volunteer?
 24 A. I have not had any signature situations. They
 25 have been -- they didn't fill it out correctly.

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1 There's a little box that has to be filled out that
 2 those would be logged provisional to look at later or
 3 they did not put an ID, which is very common.
 4 Q. And once that situation occurs, what step do
 5 you take?
 6 A. Me myself, I don't take any -- I mean, the
 7 coordinator gathers those together and handles it from
 8 there making sure they're provisionals, making sure
 9 the people are notified --
 10 Q. Okay.
 11 A. -- if their ID is not in there, et cetera.
 12 Q. So I just want to make sure that I understand
 13 what you -- before we move forward what you are
 14 testifying to.
 15 A. Okay.
 16 Q. Do clerks and volunteers who process absentee
 17 ballots ask you questions about potential errors in a
 18 ballot?
 19 A. Yes.
 20 Q. Okay. When a clerk or volunteer is processing
 21 an absentee ballot and they ask you a question about a
 22 potential error in an absentee ballot that they are
 23 processing --
 24 A. Uh-huh.
 25 Q. -- what is your typical response whether it be

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1 your verbal response or what step do you take in
 2 response to them asking you that question?
 3 MR. WHITE: Objection.
 4 THE WITNESS: Well, all three commis --
 5 commissioners are present as well as the coordinator,
 6 So, for example, most things that come up, well,
 7 mostly yes, is the no ID. You have to have a copy of
 8 the ID in there. So those are not -- those are taken
 9 out to be provisional and the person will be notified.
 10 Q. (By Ms. McCann) Okay. And are -- are you
 11 taking the ballot out to move to the provisional
 12 process or is that handled by another person?
 13 A. Mostly it's just put after they ask us a
 14 question about it, no, there's no ID in there,
 15 sometimes the ID might be in the ballot sealed
 16 envelope that we do not open at that time. So, we put
 17 it to the -- if that's the case, if it's not the ID we
 18 put it back in the same stack, you know, with the
 19 others to be -- when we open them up, the ballot, to
 20 make sure it's not in there. If it's not in there on
 21 election day then they're provisional because we don't
 22 open the ballot envelope --
 23 Q. Okay.
 24 A. -- at that time.
 25 Q. And when you say we, who are you referring to?

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1 A. The -- the other two commissioners and the
 2 coordinator that are present.
 3 Q. How does your role differ from the coordinator
 4 during the process of volunteers and clerks processing
 5 absentee ballots?
 6 A. I don't really know her exact description, job
 7 description. But she is a -- is a paid employee I
 8 guess you could say, the coordinator is.
 9 Q. So based on your experience during -- I'll
 10 rephrase.
 11 Based on your experience as a commissioner
 12 during the process of volunteers and clerks processing
 13 absentee ballots, what have you observed the
 14 coordinator do?
 15 A. She's just with us doing the -- you know,
 16 making sure it's done correctly. She does a really
 17 good job.
 18 Q. Okay. Have you received any guidance on what
 19 it means to oversee the processing of the absentee
 20 ballots?
 21 A. Have I been given any guidelines?
 22 Q. Guidance.
 23 A. Guidance. Well, our training, our training
 24 that we had, that's part of it, making sure, you know,
 25 you're following the -- the laws and rules of our

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1 state.
 2 Q. Can you describe what guidance was provided
 3 during the training that you attended on processing or
 4 overseeing the process of -- overseeing the processing
 5 of absentee ballots?
 6 A. No. Not without the information in front of
 7 me, no.
 8 Q. Okay. Can you describe what you interpret as
 9 overseeing the processing of absentee ballots?
 10 MR. MOSLEY: Objection to form, asked and
 11 answered.
 12 MR. WHITE: Join.
 13 THE WITNESS: I've described it already to you.
 14 That's all -- that's all that I can describe. That's
 15 all I --
 16 Q. (By Ms. McCann) Can you describe the laws and
 17 rules of the state that relate to overseeing the
 18 processing of absentee ballots?
 19 MR. WHITE: Objection.
 20 MR. MOSLEY: Object to form.
 21 THE WITNESS: Not without the rules and processes
 22 in front of me, no.
 23 Q. (By Ms. McCann) Okay.
 24 A. Again, if we have any questions we also call
 25 Daniel Shults, who is very good.

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1 Q. Okay. From the time that you started as
 2 commissioner, how often have you consulted with Daniel
 3 Shults about the overseeing of the processing of
 4 absentee ballots?
 5 A. I have not called him about the process of
 6 absentee because ours so far, of course, you know, I
 7 haven't been there very long, have just been cut and
 8 dry, you know, their ID was not in there on election
 9 day when we opened the ballot envelope. So I haven't
 10 had any reason to call him. But if we do he's there
 11 to answer.
 12 Q. Have you spoken to Daniel Shults about a
 13 potential error in an absentee ballot involving a
 14 voter's missing ID?
 15 A. No, because that's a cut and dry rule that we
 16 learn in training, you have to have an ID.
 17 Q. What errors during the process of processing
 18 absentee ballots would you describe as not cut and
 19 dry?
 20 A. I don't know because I haven't had any, any
 21 situations come up. I haven't really -- I haven't
 22 even been there two years.
 23 Q. Okay. So, just to clarify, is it your
 24 testimony that from the time that you started as a
 25 commissioner you have not had to consult with Daniel

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1 Shults about any errors related to your role in
 2 overseeing the processing of absentee ballots?
 3 A. That is correct.
 4 Q. Okay. Commissioner Gean, I'm going to show
 5 you another page titled Processing and Counting
 6 Absentee Ballots. And if you could just review it and
 7 let me know when you've had a chance to review the
 8 page.
 9 MR. MOSLEY: Objection to form, lack of
 10 authentication.
 11 THE WITNESS: Okay, I'm finished.
 12 Q. (By Ms. McCann) Do you as a commissioner
 13 provide the clerks or the volunteers as you mentioned
 14 with any guidance regarding the processing of absentee
 15 ballots?
 16 A. They were trained. I did not train them, the
 17 coordinator did. I was not present at that training.
 18 Q. Okay. Do you provide any guidance during the
 19 process where you are involved in overseeing their
 20 ballot review?
 21 A. Do I provide -- what are you saying? Do they
 22 ask me questions, is that what you're saying?
 23 Q. I'll rephrase.
 24 Do you provide any guidance -- I'll rephrase
 25 one more time.

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1 When you are overseeing a volunteer or clerk's
 2 processing of absentee ballots, do you provide them
 3 with any guidance during that process?
 4 A. Well, they have been trained and some of them
 5 have worked there, you know, several elections, so
 6 they're very, you know, good at what they do. If they
 7 have a question, like hey, you know, this one didn't
 8 have an ID, you know, that kind of thing, that's it.
 9 Q. Okay.
 10 MS. McCANN: I'm going to object as nonresponsive.
 11 I just --
 12 MR. MOSLEY: You, you can't object to your own
 13 question.
 14 MS. McCANN: I can object as nonresponsive.
 15 Q. (By Ms. McCann) If you --
 16 MR. MOSLEY: Golly.
 17 Q. (By Ms. McCann) -- can listen carefully to my
 18 question, Commissioner Gean.
 19 A. Now what?
 20 Q. Just listen carefully to my question, please.
 21 A. Okay. I think I've answered this same
 22 question three times.
 23 Q. Okay.
 24 MS. McCANN: Can the court reporter please repeat
 25 my last question?

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1 THE REPORTER: Yes, ma'am.
 2 (The record was read as directed.
 3 "Q. When you are overseeing a volunteer or
 4 clerk's processing of absentee ballots, do you provide
 5 them with any guidance during that process?")
 6 THE WITNESS: If they have a question, I answer
 7 their question.
 8 Q. (By Ms. McCann) Okay. During that time when a
 9 clerk is processing an absentee ballot, how is their
 10 review recorded?
 11 MR. WHITE: Objection.
 12 THE WITNESS: How is their review recorded? They
 13 follow the rules of their training.
 14 Q. (By Ms. McCann) Okay. How do you know as a
 15 commissioner whether you need to review a ballot
 16 that -- an absentee ballot that a volunteer or clerk
 17 has processed?
 18 A. If there was a problem with it, then we review
 19 it.
 20 Q. How do you know that there's a problem with
 21 the ballot?
 22 MR. MOSLEY: Objection to form, asked and
 23 answered.
 24 THE WITNESS: If it's not compliant to the rules
 25 of the state.

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1 Q. (By Ms. McCann) Okay. And just please listen
 2 to my question carefully.
 3 How do you know, Commissioner --
 4 MR. MOSLEY: I would object to your -- I'm going
 5 to object to your tone and I'm going to refer you to
 6 Rule 26 C if you continue to --
 7 MS. McCANN: Your objection is noted for the
 8 record.
 9 MR. MOSLEY: No, no, it's not finished. I'm going
 10 to refer you to Rule 26 C if you continue to be
 11 condescending.
 12 MS. McCANN: I'm not being condescending, but
 13 thank you for your objection, it's noted for the
 14 record.
 15 Can the court reporter please repeat my last
 16 question?
 17 THE REPORTER: Yes, ma'am.
 18 (The record was read as directed.
 19 "Q. How do you know that there's a problem with
 20 the ballot?")
 21 THE WITNESS: If they do not follow the rules
 22 that -- that we learned from the state training.
 23 There are guidelines from the state.
 24 Q. (By Ms. McCann) When a volunteer or clerk
 25 processes an absentee ballot are you notified

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1 verbally?
 2 A. We're there in the room. We're all there
 3 right with them. There's only like 10 people.
 4 MS. McCANN: Objection as nonresponsive.
 5 Q. (By Ms. McCann) I'm going to repeat my
 6 question. When a vol -- when a volunteer or clerk
 7 processes an absentee ballot --
 8 A. Uh-huh.
 9 Q. -- and there is a potential error, are you
 10 notified verbally?
 11 MR. WHITE: Objection to form.
 12 THE WITNESS: Yes.
 13 MR. MOSLEY: That's the same question. I think
 14 you're --
 15 THE WITNESS: I've answered that. If there's --
 16 if there's a problem then they tell us, hey, this
 17 doesn't have this, this -- you know, they didn't
 18 follow this rule. We're right there, yes.
 19 Q. (By Ms. McCann) Is there a written record of
 20 that potential error?
 21 A. Yes.
 22 Q. Okay. Can you describe the written record?
 23 A. The coordinator does that.
 24 Q. Okay. Do you have an understanding of how
 25 that potential error is recorded in writing?

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1 A. I'm not sure. The coordinator does that.
 2 Q. Okay. Okay. Are you familiar with a notation
 3 on a processed absentee ballot in which a volunteer or
 4 clerk marks the ballot as a -- as having a potential
 5 error for a deliberative reason?
 6 A. Now say that again.
 7 Q. I'll rephrase.
 8 A. Okay.
 9 Q. Are you familiar with a notation by the clerk
 10 or volunteer as having a potential error that is not
 11 for a deliberative reason?
 12 MR. WHITE: Object to form.
 13 THE WITNESS: I'm sorry, I don't understand your
 14 question.
 15 Q. (By Ms. McCann) Okay. Do commissioners
 16 generally review every ballot that is flagged by poll
 17 workers as having a potential error?
 18 A. Absolutely, we look at all of them as a -- as
 19 a group.
 20 Q. Okay. Does the chair review these ballots as
 21 well?
 22 A. Yes. I mean, they're -- we're all there.
 23 There's only three of us. The chair has no more power
 24 than any of the other two. They just call meetings as
 25 referred by Daniel Shults I believe.

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1 Q. Okay. And do you review all -- all ballots or
 2 are they split amongst the commissioners to review --
 3 A. No, we look at all of them together.
 4 Q. I'll rephrase.
 5 Can you describe how the ballots are reviewed
 6 by the committee -- county commissioners?
 7 A. Commissioners? We look at them at that day
 8 when we're opening, the seven days that you're allowed
 9 to open obviously not the -- not the ballot itself.
 10 If there's a problem with it we put it in a separate
 11 stack, the coordinator, and look at it, open it
 12 again -- that's when we open it on election day to
 13 make sure the ID. I'm telling you, I haven't been
 14 there very long, so I've only had mostly ID
 15 situations. So, we'll give them -- obviously open it
 16 on election, you know, day when we're allowed to, the
 17 time period, make sure the ID isn't in there, you
 18 know. So, and that has happened several times, the ID
 19 is in the ballot, they seal it in there. And if --
 20 and if that's not the case then -- then it will go to
 21 provisional and then they will be notified as I
 22 understand by the clerk and then they have an
 23 opportunity to come back. But no one's ever come
 24 back, but like I said, I haven't been there very long.
 25 Q. In your ten -- in your tenure how many

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1 absentee ballots -- how many flagged absentee ballots
 2 have you reviewed?
 3 A. Oh gosh, I can't say exact number. I mean,
 4 not -- not thousands or anything because I haven't
 5 been there for, you know, a presidential, so I don't
 6 know. I might say maybe we had 70 last time in
 7 November that we needed, you know, to go back over.
 8 I'm just guessing. It could have been 50, it could
 9 have been 40, but it's not thousands.
 10 Q. Okay. And from your experience, how many of
 11 those flagged absentee ballots had issues involving a
 12 voter ID?
 13 A. Most of them. Over 50 percent are voter ID,
 14 that they don't have an ID.
 15 Q. Okay.
 16 A. Some of them didn't fill it out correctly.
 17 Some of them the birthdays don't match. I have never
 18 had a -- had a signature problem.
 19 Q. Okay. How many involved errors between the
 20 information on the voter statement and the absentee
 21 ballot?
 22 A. Hmm, I'm not sure exactly. But, I mean,
 23 there's some.
 24 Q. Okay.
 25 A. Mostly, mostly it's just I guess they just

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1 forgot to put their ID in there.
 2 Q. So would you say that the majority of the
 3 absentee ballots, flagged absentee ballots that you
 4 have reviewed involved voter ID issues?
 5 MR. WHITE: Objection.
 6 THE WITNESS: Yeah, yeah. Yes, they didn't put --
 7 they did not put their ID in the -- into the little --
 8 the packet or the envelope I guess you could say. I
 9 don't know the exact terminology.
 10 Q. (By Ms. McCann) So, from your understanding
 11 what does it mean when a ballot does not compare?
 12 MR. WHITE: Objection.
 13 MR. MOSLEY: Objection.
 14 THE WITNESS: I don't know. I don't understand
 15 your question. I'm sorry.
 16 Q. (By Ms. McCann) Okay, I'll rephrase.
 17 What do you understand it to mean that an
 18 absentee ballot does not compare to the voter
 19 statement?
 20 MR. WHITE: Objection to form.
 21 MR. MOSLEY: Join.
 22 MR. WHITE: She just -- objection to form.
 23 THE WITNESS: They just have to fill it out
 24 correctly. I don't know what you're asking. There's
 25 certain things that you had to fill out on the form

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1 and there's a box that says you have to fill this out
 2 or it will not count, which is the birthday goes in
 3 there. And it has to match their ID. So if I don't
 4 have their ID I can't -- you know what I'm saying?
 5 So, I haven't been a commissioner long enough to help
 6 you with your questions because I haven't seen all
 7 that. I've just mostly seen voter ID situations,
 8 which they would be notified by the coordinator, by
 9 the clerk to come back and we have a meeting the week
 10 after like we're supposed to and they never show up at
 11 noon.
 12 Q. (By Ms. McCann) Okay. So, in the situations
 13 where you have seen potential errors involving a
 14 mismatch in information between the absentee ballot
 15 and the voter statement, how did you decide whether
 16 the ballot properly compared to the voter statement?
 17 A. That just -- we just follow the rules and
 18 guidelines from the state as a group, as the three
 19 commissioners together.
 20 Q. Okay. Can you describe the laws and rules of
 21 the state related to the requirements for matching
 22 voter information on the voter statement and absentee
 23 ballot?
 24 MR. WHITE: Objection.
 25 THE WITNESS: Not without the information in front

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1 of me, no.
 2 Q. (By Ms. McCann) Is it your testimony that you
 3 have no personal knowledge on the laws and rules of
 4 the state related to the matching of a voter statement
 5 in an absentee ballot?
 6 MR. WHITE: Objection.
 7 MR. MOSLEY: Objection to form, misquoting the
 8 witness wildly.
 9 THE WITNESS: Not without the information in front
 10 of me and not -- we work as a group and any questions
 11 we have we call Daniel Shults. The person that was a
 12 commissioner before me was there over 12 years, so he
 13 was the chairman at the time of 2020. They could have
 14 probably answered that question for you.
 15 Q. (By Ms. McCann) Do you recall any instance --
 16 instances where the ballot did not match the voter
 17 statement?
 18 A. What do you mean by ballot?
 19 Q. The absentee ballot, the information on the
 20 absentee ballot did not match the information --
 21 A. Well, I don't -- we don't -- a ballot is
 22 they're voting. I don't open their -- their ballot
 23 has nothing to do -- I don't know what you're asking.
 24 Q. Okay.
 25 A. The ballot is how their -- the choices of who

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1 they want to elect. We don't look at those.
 2 Q. Okay. The information listed when a voter
 3 submits their absentee ballot and the information on
 4 the voter statement, do you recall any instances where
 5 there have been errors that you have reviewed
 6 regarding the mismatch of those two documents?
 7 MR. WHITE: Objection to form.
 8 THE WITNESS: The -- if the -- if the birthdays
 9 don't match, I've seen that. The birthday on their
 10 ID, they put their ID, a copy of it in there but
 11 their -- their -- on the statement their birthday did
 12 not match. But as I said, I've had -- I haven't had
 13 enough experience with many elections, so I haven't
 14 seen what you're asking.
 15 Q. (By Ms. McCann) Okay. So, you have not --
 16 have you seen any instances where a voter's birthday
 17 did not match between the voter statement and the
 18 information listed on the absentee ballot?
 19 A. Yes, the -- the birthdays did not match,
 20 correct, and the birthdays have to match.
 21 Q. Okay. And have you seen any instances where
 22 the name did not match between the voter statement and
 23 the information on the absentee ballot?
 24 A. No, no, I have never seen that.
 25 Q. Okay. And have you seen any instances in

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1 which a voter's address did not match between the
 2 information listed on the voter statement and the
 3 absentee ballot?
 4 A. I have not seen that, no. No. Like I said,
 5 on the driver's license, that one, that does not have
 6 to match. But no, on the voter statement, no, that --
 7 since I've been there I haven't had that problem.
 8 I've just seen the birthday and the -- most of what we
 9 have is the not having an ID.
 10 Q. Can you describe the process that Sebastian
 11 County commissioners go through to determine whether a
 12 ballot is noncomparable?
 13 MR. WHITE: Objection.
 14 THE WITNESS: No, I think -- I can't describe the
 15 process without the information in front of me.
 16 Q. (By Ms. McCann) Okay.
 17 A. And we work together as a group.
 18 Q. Okay. If that -- if it determines that the
 19 information is noncomparable, what happens to that
 20 ballot?
 21 A. If it's not comparable it will be provisional
 22 to discuss at a later time, to be looked at again by
 23 the commission.
 24 Q. Okay. And once the ballot is marked as
 25 provisional, how is that recorded?

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1 A. I'm sorry, what did you ask? How is that
 2 what?
 3 Q. How is the ballot marked -- how is the ballot
 4 recorded once it's decided that it will be a
 5 provisional ballot?
 6 A. Remember, I told you the coordinator does
 7 that.
 8 Q. Okay. So I'm asking you how. I understand
 9 that the coordinator is the person that is in charge
 10 of that process. Can you --
 11 A. I --
 12 Q. -- talk about how that you process is
 13 recorded?
 14 A. Yes, I can't. I'm sorry. She handles all
 15 that. We hand them to her and she does all that for
 16 us.
 17 Q. Okay. Is it a voter able to challenge that
 18 decision?
 19 A. They can -- yes, they're notified by the
 20 clerk, yes, and they can show up a week later, which
 21 is the guideline for the state rules, but they don't
 22 show up as -- as I've seen so far, but I haven't been
 23 there not even two years.
 24 Q. Once their ballot is marked as provisional,
 25 how are they notified, how is a voter notified?

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1 A. I'm not sure on that. I really don't know.
 2 After -- the coordinator handles all that. She would
 3 know.
 4 Q. Do you know when the voter is notified --
 5 A. No, I'm sorry, yeah, I really don't. She
 6 handles all that. She's paid to do all that.
 7 Q. Okay. Do you know how much time the voter has
 8 to challenge the decision that their ballot has been
 9 marked as provisional?
 10 A. The exact time? No, I don't know. But -- but
 11 we're required to have a meeting on that, which is a
 12 public meeting, a week later on that Monday.
 13 Q. Has there ever been a disagreement among the
 14 county commissioners about whether a ballot should
 15 have been marked as provisional?
 16 A. No, never. It's just -- it's been
 17 basically -- since I -- since I've been there, no.
 18 It's birthdate and no ID or did not fill it out
 19 correctly where it says this will not be counted if
 20 it's not filled out correctly.
 21 Q. So during your tenure as a commissioner there
 22 has never been a disagreement between the
 23 commissioners in connection with reviewing a -- or
 24 marking a ballot as provisional?
 25 A. That's correct, no, no, we have never

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1 disagreed. We work really well together.
 2 Q. Okay. Has there ever been a disagreement
 3 among the county commis -- commissioners regarding the
 4 errors related to the date of birth on the voter
 5 statement and the information on the absentee ballot?
 6 A. No. No. If the number's not right and the
 7 month's not right, then no, it's not correct. So we
 8 haven't disagreed on that, no.
 9 Q. Okay. Commissioner Gean, have you ever
 10 attended a poll worker training?
 11 A. One.
 12 Q. And do you know approximately when you
 13 attended that training?
 14 A. No, I don't remember. And I -- and I didn't
 15 stay very long either, so I didn't attend the whole
 16 thing, no. The coordinator does all that and so make
 17 sure we have all the poll workers and then she trains
 18 them.
 19 Q. Did you attend the poll worker training during
 20 your tenure as a commissioner?
 21 A. I did not attend the whole training, no.
 22 Q. I'm sorry, I meant -- I'll rephrase. I may
 23 not have asked it clearly.
 24 During your tenure as a commissioner have you
 25 attended a poll worker training?

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1 MR. MOSLEY: Object to the form, asked and
 2 answered.
 3 THE WITNESS: I only came for like 10 minutes, so
 4 I would say no, I did not attend the whole training.
 5 That's not my job. We have -- some counties don't
 6 have a coordinator, but we do, so that coordinator,
 7 that's her job.
 8 Q. (By Ms. McCann) Okay.
 9 A. We're not required to do that.
 10 Q. Okay. Thank you. I -- I just want to repeat
 11 my question because your answer was just
 12 nonresponsive. So just if you listen closely.
 13 Does -- have you attended the one poll worker
 14 training during --
 15 A. There's been more than one poll worker
 16 training, you know, because we get -- sometimes
 17 they're the same poll workers but sometimes there's,
 18 you know, new ones. So there's always, you know, more
 19 trainings. So I haven't --
 20 Q. You've attended --
 21 A. I came for about 10 minutes. So if you want
 22 to say I attended, fine. If you want to say I
 23 didn't --
 24 MR. MOSLEY: I'm going to stop everybody. Stop
 25 talking over each other.

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1 MS. McCANN: Okay.

2 MR. MOSLEY: Ms. McCann, please ask your question.

3 Ms. Gean, please wait until she's finished.

4 MS. McCANN: Thank you.

5 THE WITNESS: Okay, thank you.

6 Q. (By Ms. McCann) Commissioner Gean, just once

7 more.

8 A. Uh-huh.

9 Q. You attended one poll worker training. Did

10 you attend that training since you've been

11 commissioner?

12 A. Yes, because I wouldn't have shown up if I

13 wasn't a commissioner. There would be no reason for

14 me to be there. But I -- I was there just a few

15 minutes.

16 Q. Who --

17 A. That's not my -- that's not my job. That's

18 the coord -- the coordinator takes care of that.

19 Q. Who led that training?

20 A. Meghan Hassler. And she is appointed by the

21 judge as I understand it for the coordinating

22 position.

23 Q. Are poll workers in Sebastian County trained

24 to review and process absentee ballots?

25 A. Poll workers? I'm not -- I don't know

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1 exactly. I'm not in that training, so I don't know.

2 She could answer that question for you.

3 Q. Can you describe the process of how Sebastian

4 County poll workers are selected?

5 A. I have no idea.

6 Q. Okay. When do poll workers receive the

7 training that you mentioned?

8 A. I don't know. The coordinator handles that.

9 Q. Are the trainings mandatory?

10 A. Yes.

11 Q. Is the coordinator responsible for conducting

12 the training?

13 A. Yes.

14 Q. Is the coordinator responsible for preparing

15 the training materials for the poll workers?

16 A. I'm not sure about that. I'm sorry.

17 Q. Can you describe what the poll worker training

18 entails?

19 A. No.

20 Q. Can you describe what occurred during the time

21 that you attended the one poll worker training that

22 you attended?

23 A. No, I don't recall.

24 Q. Do poll workers receive written training

25 materials?

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1 A. I don't know.

2 Q. Does the county provide written training

3 materials for poll workers?

4 A. I don't know.

5 Q. Okay. Do you know if poll workers are trained

6 on signature matching?

7 MR. MOSLEY: Objection to form, misquoting the

8 law.

9 MR. WHITE: Objection --

10 MS. McCANN: There was no statement of the law, so

11 I'll repeat my question.

12 MR. MOSLEY: No, there was and that's -- that's

13 league of women voters game and --

14 MS. McCANN: There was --

15 MR. MOSLEY: No, I'm -- I'm talking.

16 MS. McCANN: Court reporter --

17 MR. MOSLEY: If you'd like to read the law, if

18 you'd like to read the law -- Ms. McCann, I'm going to

19 give one more --

20 MS. McCANN: Court reporter --

21 MR. MOSLEY: -- one more time and then we're going

22 to stop the deposition.

23 MS. McCANN: I ask -- I'm going to ask counsel not

24 to speak over me while I'm speaking.

25 MR. MOSLEY: I started talking --

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1 MS. McCANN: I will ask the court reporter --

2 MR. MOSLEY: -- before you did. I started

3 talking --

4 MS. McCANN: I will ask the court reporter --

5 MR. MOSLEY: -- before you did.

6 MS. McCANN: -- to repeat my last question.

7 THE REPORTER: I'm sorry, I didn't understand what

8 you wanted.

9 MS. McCANN: Can you please repeat my last

10 question?

11 THE REPORTER: Yes, ma'am.

12 (The record was read as directed.)

13 "Q. Okay. Do you know if poll workers are

14 trained on signature matching?")

15 MR. MOSLEY: Objection --

16 THE WITNESS: I don't --

17 MR. MOSLEY: -- to form.

18 THE WITNESS: I don't know.

19 Q. (By Ms. McCann) Are poll workers instructed to

20 disqualify absentee ballots unless a voter's name

21 matches?

22 MR. WHITE: Objection to form.

23 THE WITNESS: I don't know.

24 Q. (By Ms. McCann) Are poll workers instructed to

25 disqualify absentee ballots unless a voter's address

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1 matches?
 2 A. I don't know.
 3 Q. Are poll workers instructed to disqualify
 4 absentee ballots unless a voter's date of birth
 5 matches?
 6 A. I don't know. I don't handle that training.
 7 Q. All right.
 8 MS. McCANN: I'm going to ask Cara if you could
 9 please send Exhibit 2.
 10 MR. MOSLEY: Ms. Gean, she's not talking to you.
 11 THE WITNESS: Okay. I was like, I don't know what
 12 you're doing.
 13 MS. McCANN: My apologies. I would not refer to
 14 you as Cara.
 15 THE WITNESS: That's okay. I was like, well --
 16 MS. McCANN: My colleague, my colleague, Cara
 17 Ortiz, if you could please send Exhibit 2.
 18 THE WITNESS: Thank you.
 19 MS. ORTIZ: I've just sent that over to counsel.
 20 (Plaintiff's Exhibit Number 2 marked for
 21 identification purposes and made part of the
 22 record.)
 23 Q. (By Ms. McCann) Okay. So again, Commissioner
 24 Gean, I'm displaying -- I'm displaying a document that
 25 is titled 2020 Poll Worker Training, Absentee Clerk

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1 Session. And if you could just take a look at the
 2 pages, take a moment to review them.
 3 MR. MOSLEY: Objection to form.
 4 THE WITNESS: I wasn't a -- I wasn't a
 5 commissioner in 2020.
 6 Q. (By Ms. McCann) Okay.
 7 A. So I'm not -- I can't answer your question.
 8 Q. Okay. Commissioner Gean, have you ever seen
 9 this document?
 10 A. No.
 11 Q. Okay. Have you ever seen a document or slide
 12 deck for the poll worker training?
 13 A. Poll worker training, no. Not that I recall,
 14 no. Especially not 2020, I wasn't there.
 15 Q. Okay.
 16 MS. McCANN: Okay. I'm going to ask for a 10
 17 minute break, if we could take just a 10 minute break.
 18 Or I don't know, counsel, if you would prefer to break
 19 for lunch. I know it's a bit early.
 20 MR. MOSLEY: We're not going to break for lunch.
 21 We're going to finish this deposition.
 22 THE WITNESS: Yeah.
 23 MS. McCANN: So if I could just --
 24 MR. MOSLEY: If you want to take a 10 minute
 25 break, let's take a 10 minute break.

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1 MS. McCANN: Thank you.
 2 THE WITNESS: I would rather not take a break.
 3 MS. McCANN: Yeah --
 4 MR. MOSLEY: Ms. Gean, we're going take a 10
 5 minute break as opposed to a lunch break is what we're
 6 saying.
 7 THE WITNESS: Okay, that's fine.
 8 MR. MOSLEY: Yeah. Push mute.
 9 THE WITNESS: Okay. Okay, thank you.
 10 THE VIDEOGRAPHER: We are going off the record.
 11 The time is approximately 10:49 a.m.
 12 (A recess was here had 10:49 to 11:01.)
 13 THE VIDEOGRAPHER: We are back on the record. The
 14 time is approximately 11:01 a.m.
 15 Q. (By Ms. McCann) Okay. Commissioner Gean, we
 16 were discussing this poll worker training presentation
 17 deck. I just have a few more questions on this deck.
 18 A. Sure.
 19 Q. If you could take a look at this page titled
 20 Applying for an Absentee Ballot.
 21 A. Yes. I see it.
 22 Q. Okay. The slide indicates that the county
 23 clerk will ensure that this information matches the
 24 voter -- voter's information in the voter registration
 25 database before a ballot is sent. This information

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1 refers to the voter's address, name, date of birth and
 2 signature. Is that correct?
 3 MR. MOSLEY: Object to the form --
 4 THE WITNESS: That's correct.
 5 MR. MOSLEY: -- lack of foundation, lack of
 6 authentication, counsel is testifying.
 7 Q. (By Ms. McCann) In your understanding what
 8 does it mean for that information, the voter's name,
 9 address, date of birth and signature to match?
 10 MR. MOSLEY: Objection --
 11 MR. WHITE: Objection --
 12 MR. MOSLEY: -- to form, lack of --
 13 MR. WHITE: Objection --
 14 MR. MOSLEY: -- foundation, lack of
 15 authentication.
 16 THE WITNESS: The county clerk looks at those.
 17 Q. (By Ms. McCann) And based on your
 18 understanding what does it mean for the county clerk
 19 to determine whether that information matches?
 20 MR. WHITE: Objection --
 21 MR. MOSLEY: Objection. There's nothing about
 22 matching on --
 23 MR. WHITE: -- lack of foundation, lack of
 24 authentication.
 25 THE WITNESS: I don't know.

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1 Q. (By Ms. McCann) Okay. If a voter's
 2 information matches between the information in the
 3 voter registration database, is an individual eligible
 4 to vote?
 5 MR. WHITE: Objection, lack of foundation --
 6 MR. MOSLEY: Objection.
 7 MR. WHITE: -- and authentication.
 8 THE WITNESS: The county clerk handles that.
 9 Q. (By Ms. McCann) Can you describe what happens
 10 if a voter's information, specifically the voter's
 11 name, address, date of birth or signature is not
 12 verified?
 13 MR. MOSLEY: Objection.
 14 MR. WHITE: Objection to form, lack of
 15 authentication, lack of foundation.
 16 THE WITNESS: I don't know.
 17 Q. (By Ms. McCann) Okay. Can you describe --
 18 I'll rephrase.
 19 If a voter's information is not verified, and
 20 when I say information I mean specifically the voter's
 21 name, address, date of birth or signature, will the
 22 voter receive an absentee ballot?
 23 MR. WHITE: Objection, form, lack of
 24 authentication, lack of foundation.
 25 THE WITNESS: I don't know.

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1 Q. (By Ms. McCann) Is it your understanding that
 2 the verification of that information is -- is a
 3 requirement that must be met prior to an absentee
 4 ballot being -- being sent to a voter?
 5 MR. MOSLEY: Objection.
 6 MR. WHITE: Objection to form, asked and answered,
 7 lack of authentication --
 8 THE WITNESS: I don't know.
 9 MR. MOSLEY: -- lack of foundation.
 10 THE WITNESS: I don't know. The clerk does that.
 11 Q. (By Ms. McCann) Okay. I'm going to stop
 12 sharing this just for the moment.
 13 Commissioner Gean, can you describe what is a
 14 county clerk?
 15 A. No. I'm sorry.
 16 Q. Okay. Do you know the county clerk's
 17 responsibilities?
 18 A. No. I'm sorry.
 19 Q. Do you know whether the county clerk is
 20 involved in the county's election process?
 21 A. I don't know. I know they -- they hand --
 22 they mail the absentees and the absentees come back to
 23 the clerk. That's all. I don't know besides that.
 24 Q. Okay. Do you know whether the county clerk
 25 plays a role in conducting -- I'll rephrase.

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1 Do you know who is responsible for conducting
 2 the trainings for county clerks?
 3 A. No, I don't know.
 4 Q. Do you know whether the county clerks receive
 5 training?
 6 A. I don't know. I don't know anything about the
 7 county clerk stuff.
 8 Q. Okay. Do you know whether the county is
 9 required to receive approval from anyone in order to
 10 use training materials?
 11 MR. WHITE: Objection.
 12 THE WITNESS: I don't know.
 13 Q. (By Ms. McCann) Do you know whether the county
 14 board of election commissioners plays a role in
 15 training county clerks?
 16 A. I don't -- I don't know. I've never heard of
 17 that. I don't know.
 18 Q. I'm sorry, can you please clarify what you've
 19 never heard of?
 20 A. I don't know what you're talking about. Why
 21 would we train a clerk? I mean, I don't know. I
 22 don't know her job, so I don't understand your
 23 question.
 24 Q. Okay. Are you familiar with the county
 25 clerk's roles?

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1 A. No.
 2 Q. Okay. I'm going to prepare to show Exhibit 3.
 3 MS. McCANN: So if Cara Ortiz, if you could please
 4 send that exhibit to counsel.
 5 (Plaintiff's Exhibit Number 3 marked for
 6 identification purposes and made part of the
 7 record.)
 8 MS. ORTIZ: I've just sent that over to counsel.
 9 MS. McCANN: Thank you.
 10 Q. (By Ms. McCann) Okay. Commissioner Gean, can
 11 you see the document that I'm showing that says
 12 absentee ballot clerk training --
 13 A. Yes, I see it.
 14 Q. -- absentee ballot processing exercises?
 15 A. Yes.
 16 Q. Okay. Okay. Do you rec -- do you recognize
 17 this document? Excuse me.
 18 A. No.
 19 Q. Okay. Are you involved any absentee ballot
 20 training of cal -- county clerks in Sebastian County?
 21 A. No.
 22 Q. Are any other members of the county board
 23 involved in the absentee ballot training for county
 24 clerks?
 25 A. I don't know. I'm sorry.

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<p>1 Q. Do you know what it means to canvas an 2 absentee ballot? 3 A. In my understanding, you know, making sure the 4 ballot -- the vote counts, you know, whether it counts 5 or if it's you're deciding. 6 Q. Okay. Can you describe the process of 7 canvassing an absentee ballot? 8 A. No, not without the stuff in front of me. I'm 9 sorry. 10 Q. Okay. So in determining -- in canvassing an 11 absentee ballot to determine whether the ballot 12 counts, can you describe that process? 13 A. No, not without the information. 14 Q. And what information are you referring to? 15 A. The rules and the guidelines that we learned 16 in training from our -- the state. We have to follow 17 the state, what the state says. 18 Q. Okay. 19 A. I mean, if you wanted all this in detail, I 20 don't -- I mean, I've only been there not very long 21 which you understand. I wasn't even there in 2020. 22 You could have gotten the commissioner that was there 23 in 2020. So I'm sorry if I'm not helpful. 24 Q. Yeah, that's okay, Commissioner Gean. I would 25 just ask if you could just wait until there's a</p>	<p>1 as a commissioner canvas absentee ballots? 2 A. The commissioners are present. 3 Q. Okay. The commissioners are present during 4 the canvassing of absentee ballots? 5 A. Correct. 6 Q. Okay. Who is leading the actual canvassing of 7 the absentee ballot? 8 A. We work together as a group. 9 Q. When you say we, can you please be more 10 specific? 11 A. Do you want the names? 12 Q. Or titles is fine. 13 A. The minority party commissioner who has been 14 there over 12 years and then the recent one was Randy 15 McFadden who just started. 16 Q. Okay, Randy McFadden. Do you know the name of 17 the minority commissioner? 18 A. Yes, Lee Webb. 19 Q. And when you work together as a group to 20 oversee the canvassing of absentee ballots, what role 21 do you play? 22 MR. MOSLEY: Object to -- objection. 23 THE WITNESS: I'm commissioner. 24 Q. (By Ms. McCann) Okay. And what steps do you 25 take in connection with canvassing absentee ballots?</p>
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<p>1 question pending before responding and that would be 2 more helpful so I can know when to start asking 3 questions. 4 Can you describe the role that the county 5 board of election commissioners plays in canvassing 6 absentee ballots? 7 A. No, not without the information in front of 8 me. 9 Q. And when you refer to the information, what 10 does -- what are you referring to? 11 A. Like I've stated before, the rules and the 12 procedures and the laws that are required for the 13 state. 14 Q. Okay. Can you describe the laws and the rules 15 of the state related to canvassing absentee ballots? 16 A. No. 17 MR. WHITE: Object to form. 18 THE WITNESS: Not without the rules in front of me 19 and the other commissioners we work as a team. 20 Q. (By Ms. McCann) Can you describe the laws and 21 rules of the state related to the county's 22 responsibilities in canvassing absentee ballots? 23 MR. WHITE: Object to form. 24 THE WITNESS: No. 25 Q. (By Ms. McCann) Do you personally in your role</p>	<p>1 MR. MOSLEY: Objection. This as all been asked 2 and answered. 3 THE WITNESS: Yeah, I've answered this a million 4 times in another way. You're just asking -- 5 MR. MOSLEY: Ms. Gean -- 6 THE WITNESS: -- the same thing over and over. 7 MR. MOSLEY: Ms. Gean, just answer the question, 8 I'll deal with it with the Court later. 9 THE WITNESS: Okay, thank you. 10 I follow the rules and their procedures by the 11 state guidelines. 12 Q. (By Ms. McCann) Is it your testimony that you 13 do not know what action you take when it is time to 14 canvas an absentee ballot? 15 MR. WHITE: Objection. 16 MR. MOSLEY: Objection to form. Misquoting the 17 witness and that's the last time I'm going to let you 18 be condescending to her and ask her the same questions 19 over and over under Rule 26C, it's become harassing. 20 THE WITNESS: We work together as a commission 21 group, we work well together. Lee Webb has been there 22 over 12 years. He is very knowledgeable, so if I have 23 any question I could ask him. Even though he's a 24 minority party we work very well together. We want it 25 done correctly. We follow the rules and the</p>

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1 guidelines that are given to us by the state.
 2 Q. (By Ms. McCann) Who leads the initial review
 3 of the ballots once the envelope is opened?
 4 A. We work together as a group.
 5 Q. Is it your testimony that you do not know who
 6 leads the initial review of the ballots once the
 7 absentee envelope, ballot envelope is opened?
 8 MR. WHITE: Objection.
 9 THE WITNESS: There is no leader. We work
 10 together as a commission group.
 11 Q. (By Ms. McCann) Are the commissioners
 12 responsible for opening the ballot envelope during the
 13 review?
 14 A. The -- the volunteers, we are there but the
 15 volunteers come back on election day when we open the
 16 ballot envelope. So we're there together as a
 17 commission group. So do I open the ballot envelope?
 18 I can, I can but they -- they're there, that's what
 19 they're -- that's what they're there for.
 20 Q. The poll workers open the absentee ballot?
 21 A. No, no, no, not poll workers. They're
 22 volunteers who are there to, you know, help canvas the
 23 ballots.
 24 Q. Thank you.
 25 A. They're not -- the poll workers stay in the

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1 polls, you know, and they check people in and things
 2 like that.
 3 Q. Okay.
 4 A. That's just to my understanding. The legal
 5 name of what they are, I don't know.
 6 Q. When the volunteers open the absentee ballot
 7 envelope --
 8 A. Uh-huh.
 9 Q. -- is this -- is that the role consistently
 10 across elections?
 11 A. I don't know. I don't know what -- how the
 12 other counties do it. I'm just following what our
 13 county does. I don't know what you're asking.
 14 Q. Within Sebastian County is it customary for
 15 volunteers to be responsible for opening the absentee
 16 ballot envelope across the different types of
 17 elections in the county?
 18 A. Yes, yes. It's usually the same people, you
 19 know, do it every time, although they are trained
 20 every year on doing that as well. Yeah, they're there
 21 opening those. I mean, there's way -- there's too
 22 many absentees coming in. I think we had maybe 400
 23 this last time, you know. So yeah, there's 10 people
 24 there and they open them, you know, like I told you
 25 before and -- but on election day the same people come

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1 back.
 2 Q. Okay. Did you attend -- I'll rephrase. My
 3 apologies.
 4 Were you present during the canvassing of
 5 absentee ballots for the most recent 2022 election?
 6 A. Yes.
 7 Q. Okay. And when did that absentee ballot
 8 review process take place?
 9 A. Well, they started opening, you know, just the
 10 information, not the ballot its -- itself, I can't
 11 remember. I think -- I can't remember how many days
 12 you're allowed. I think it's in the -- within the
 13 seven days, but I can't remember what day we did it.
 14 And then obviously we didn't open the ballot until
 15 election day. I -- I can't recall the day. I'm
 16 sorry.
 17 Q. And how many people were involved in that
 18 process? I think you mentioned this.
 19 A. One, two, three, four, five, six -- it's nine
 20 or 10. You know, sometimes if there's a bigger
 21 election how's I understand it they might have a few
 22 more people, but they would be trained, but I think we
 23 had nine or 10 --
 24 Q. And what --
 25 A. -- plus the three -- plus the three

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1 commissioners, I'm sorry, and then the coordinator.
 2 Q. Okay.
 3 A. And then she also has a team, you know, people
 4 that do programming and things. They might have been
 5 present.
 6 Q. Okay. And how many absentee ballots were you
 7 responsible for reviewing in the --
 8 A. You know --
 9 Q. -- recent 2022?
 10 A. I'm sorry. It was -- I believe, I'm not
 11 exactly sure the number, but I think it was over 400.
 12 Q. Can you describe the order that a -- my
 13 apologies. I'll -- I'll rephrase.
 14 Can you describe the instruction that is given
 15 in connection with reviewing an absentee ballot?
 16 MR. WHITE: Objection.
 17 THE WITNESS: The instruction. We follow the
 18 rules and the procedures by -- given to us by the
 19 state.
 20 Q. (By Ms. McCann) Okay. In the most recent 2022
 21 general election, did you provide the volunteers with
 22 any guidance in connection with reviewing the ballots
 23 once the -- or reviewing -- opening the ballot
 24 envelope?
 25 A. Opening the ballot envelope. Yeah, the --

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1 which they're trained. They're no -- they know not to
 2 open that until later. They put everything back and
 3 we look at it on election day.
 4 Q. They know not to open what?
 5 A. They don't open the ballot. We know when
 6 we're looking at it a few days before making sure
 7 everything's there like I told you before, but we
 8 don't open the ballot, they don't open the ballot
 9 until election day.
 10 Q. Okay.
 11 A. And their training that have on that, the
 12 coordinator does that.
 13 Q. When the volunteer opens the absentee ballot
 14 envelope, what are they checking?
 15 A. Well, just they just get -- they -- I guess
 16 they're just checking to get the ballot out. I don't
 17 know what you're asking what are they checking.
 18 Sometimes their ID's in there, believe it or not,
 19 they'll put the ID sealed in there. So that's why
 20 we always, you know, check again on election day
 21 because sometimes that happens. So the one that would
 22 have been provisional, you know, the ID would be in
 23 that ballot sealed up. So then that one would if it
 24 checked out, like I told you before, then that would
 25 be counted.

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1 Q. Okay.
 2 A. If the ID, the date matched, signature
 3 Q. Just to ask more specifically --
 4 A. Uh-huh.
 5 Q. -- when the volunteer opens the envelope, what
 6 information are they looking for and to -- to
 7 determine whether it should be proceed to the next
 8 step?
 9 A. When they open the bal -- they're not looking
 10 for any information because that -- they've already
 11 checked that everything was correct --
 12 Q. Okay.
 13 A. -- you know, when we did it before.
 14 MR. MOSLEY: I don't think she understands your
 15 question, counsel. I think --
 16 THE WITNESS: No, I don't.
 17 MR. MOSLEY: -- you need to clar -- you need to
 18 clarify between when you talk about the envelope that
 19 the ballot is in or the envelope that comes in the
 20 mail.
 21 THE WITNESS: Yeah. See, there's an envelope that
 22 comes in the mail and -- and they fill that out and
 23 they put everything in there. The ballot is sealed up
 24 in an envelope all by itself and so, you know, we
 25 can't open that. Years ago we -- they used to -- the

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1 state used to let us open that but now you can't open
 2 that until election day. So I don't know what you're
 3 asking.
 4 Q. (By Ms. McCann) Okay. No, that's helpful.
 5 Thank you, Commissioner Gean.
 6 A. Uh-huh.
 7 MS. McCANN: And thank you, counsel.
 8 THE WITNESS: So -- so on election day they're
 9 opening that bal -- they're not looking at anything
 10 else. That was the whole point of starting a few days
 11 before is that's when you check to make sure it's done
 12 correctly. There's no way you could do it all on
 13 election day, there's just too many.
 14 Q. (By Ms. McCann) Is the absentee ballot review
 15 information recorded simultaneously as the ballots are
 16 reviewed?
 17 A. Well, we -- we open up the absentee, you know,
 18 form and everything a few days before, but I don't
 19 remember what day that was. And then we open up the
 20 ballot like I said, you know, the envelope on election
 21 day.
 22 Q. Okay. When you say you open up the form a few
 23 days before, are you referring to a few days before
 24 the election?
 25 A. Right, right. You know, like say the election

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1 is on the 8th and so I can't remember what day it was,
 2 they might -- I don't remember, but some day before
 3 that, you know, you'd open up with that same group
 4 that have been trained, they open up the absentee, you
 5 know, packet that came to the clerk. The clerk sends
 6 it to us, yeah.
 7 Q. Okay. And the ballot is opened on election
 8 day?
 9 A. That's correct.
 10 Q. Okay. Who is responsible for reviewing the
 11 ballot on election day?
 12 A. We don't review the ballot because that's
 13 someone's -- their -- that's private. You know what
 14 I'm saying? That's already been checked to make sure
 15 everything was correct. We don't review the ballot.
 16 We don't look at their ballot. I don't know what
 17 you're asking.
 18 Q. Let me -- let me just rephrase my question.
 19 When do you as a commissioner become involved
 20 in the absentee ballot review process?
 21 A. Well, we're checking to make sure they're
 22 following the rules and the -- the regulation, the
 23 laws like I -- you know, signature match, which I
 24 haven't had that problem, date of birth, make sure
 25 everything is filled out correctly, if they had a

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1 bearer make sure the name's right, you know, things
 2 you learn in training. That's done a few days before
 3 and then if it's all correct then it's opened on
 4 election day, they take the ballot envelope out sealed
 5 and put it in a container ready to be canvassed. So
 6 you're not -- we don't know who the person -- that
 7 vote was. Like I'm not supposed to know how that
 8 person voted. You see what I'm saying? That's why
 9 you got to make sure everything is correct before
 10 you -- you can't take -- separate it and then you come
 11 out with a problem.
 12 Q. Okay.
 13 MS. McCANN: I'm going to move to strike
 14 Commissioner Gean's answer as nonresponsive.
 15 MR. WHITE: You cannot move to strike the answer
 16 to your own question.
 17 Q. (By Ms. McCann) When does a commissioner
 18 become involved in the absentee ballot review process,
 19 canvassing process to be precise?
 20 A. Like I told you before, we meet a few days
 21 before the election and make -- we make sure the
 22 absentees follow the guidelines given to us by the
 23 state. I don't -- I don't understand what you're
 24 saying.
 25 Q. Why the --

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1 A. But the ballot itself, we don't review the
 2 ballot itself. That's private.
 3 Q. I understand.
 4 A. You've asked me the same thing --
 5 MR. WHITE: You do not --
 6 THE WITNESS: -- over and over.
 7 MR. WHITE: -- understand.
 8 Q. (By Ms. McCann) Commissioner Gean, are you
 9 familiar with what it means to canvas an absentee
 10 ballot?
 11 MR. MOSLEY: Objection --
 12 MR. WHITE: Objection --
 13 MR. MOSLEY: -- asked and answered.
 14 MR. WHITE: -- asked and answered. We're going to
 15 end this if we keep asking the same question I promise
 16 you.
 17 Q. (By Ms. McCann) Commissioner Gean, you can
 18 answer.
 19 A. I mean, I thought I answered it. But --
 20 MR. MOSLEY: You did.
 21 THE WITNESS: -- we -- we just -- we make sure
 22 that every vote is counted that's been correctly
 23 followed by the guides of the state and commission
 24 works as a group. If we have any questions we call
 25 Daniel Shults for the 20th time.

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1 Q. (By Ms. McCann) Okay. How do commissioners
 2 determine whether a ballot should be counted?
 3 MR. MOSLEY: Objection.
 4 THE WITNESS: I stated that. You could go back
 5 and look.
 6 Q. (By Ms. McCann) Okay.
 7 A. That's my answer. I stated that several times
 8 to you. Go back and review what I just said.
 9 MR. MOSLEY: I want the record to reflect that
 10 it's very clear Ms. McCann has bothered and is
 11 irritating the witness.
 12 MS. McCANN: Counsel, I am not bothered. I would
 13 also respectfully ask that you refrain from making
 14 speaking objections.
 15 MR. MOSLEY: That's not an objection.
 16 MS. McCANN: I will ask that you instruct --
 17 MR. MOSLEY: That's not an objection.
 18 MS. McCANN: -- the deponent --
 19 MR. MOSLEY: That's not an objection. Go back.
 20 I'd like to ask about your training, Ms. McCann.
 21 MS. McCANN: I would also --
 22 MR. MOSLEY: That's not an objection.
 23 MS. McCANN: Let's not waste Commissioner Gean's
 24 time. You --
 25 MR. MOSLEY: I agree.

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1 MS. McCANN: -- objection --
 2 MR. MOSLEY: Stop asking the same --
 3 MS. McCANN: -- your objection is noted for the
 4 record --
 5 MR. MOSLEY: Then stop asking the same question.
 6 MS. McCANN: Your objection is noted for the
 7 record, counsel. Thank you.
 8 Q. (By Ms. McCann) Commissioner Gean --
 9 A. Yes.
 10 Q. -- I would like you to respond to each
 11 question regardless of whether your -- your counsel
 12 objects.
 13 A. Well, the questions you keep asking me, you've
 14 asked me the same thing over and over. I don't know
 15 if you're not understanding me or you're just like
 16 making this go on forever, but I've --
 17 Q. Ms. Gean --
 18 A. -- answered the same thing. I answered, I
 19 answered it, I answered it.
 20 Q. I would also like to remind you to please
 21 respond to the questions as asked, please do not speak
 22 when there is no question pending.
 23 MR. MOSLEY: She can -- Ms. McCann, I understand
 24 you're new to this, but you are not going to tell my
 25 client what she can and cannot say when you are asking

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1 her the same question over and over. And if you'd
 2 like to call Judge Holmes I'm happy to do it right
 3 now. Let's do it.
 4 MS. McCANN: Counsel, we can call Judge Holmes and
 5 --
 6 MR. MOSLEY: Let's do it.
 7 MS. McCANN: -- get the judge on the line, I would
 8 be glad to. That is your call if you would like to
 9 call the judge. I'd be more than happy to explain
 10 that you have been making speaking objections on the
 11 record, you have been battering counsel, plaintiffs'
 12 counsel and you have been inappropriately speaking to
 13 multiple parties in this deposition. I will
 14 continue --
 15 MR. MOSLEY: I'm going to deny --
 16 MS. McCANN: -- this dep -- I will --
 17 MR. MOSLEY: I'm going to deny your allegation.
 18 MS. McCANN: I will continue with this deposition.
 19 MR. MOSLEY: I'm going to deny your allegations.
 20 I'm going to deny your allegations on the record.
 21 MS. McCANN: Great. Great. And your objection
 22 is -- is noted on the record. We reserve all rights
 23 as plaintiffs' counsel and we will respond to your
 24 objections in writing further if necessary. I will
 25 continue with my questions to Commissioner Gean I will

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1 remind you to refrain from making speaking objections.
 2 MR. MOSLEY: I'm -- I'm going to say right now,
 3 you need to read Rule 26C --
 4 Q. (By Ms. McCann) Okay, Commissioner Gean, can
 5 you please let me know who decides whether to accept a
 6 ballot?
 7 MR. WHITE: Objection.
 8 THE WITNESS: I don't think you understand what a
 9 ballot is. I don't think you understand. I don't --
 10 I don't -- when a voter votes and they have completed
 11 all the information as an absentee ballot and it is
 12 correct by the guidelines, which I've told you a
 13 million times, their ballot counts, their vote counts.
 14 I don't look at their ballot. Do you not know what
 15 that means? A ballot --
 16 Q. (By Ms. McCann) Let me --
 17 A. I don't think you know what that means.
 18 Q. I will -- I will rephrase my question to be
 19 clear. When you are referring to the information that
 20 the voter records on their --
 21 A. Uh-huh.
 22 Q. -- absentee ballot to determine --
 23 A. That's the form --
 24 Q. -- whether it should be counted or
 25 disqualified, who makes that determination?

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1 MR. WHITE: Objection, asked and answered.
 2 THE WITNESS: Well, the commission as a group
 3 follows the rules and the guidelines, which I stated
 4 many times, and if it follows the rules and guidelines
 5 and it's filled out correctly their ballot on election
 6 day will count. I don't know how much more clear I
 7 can be.
 8 Q. (By Ms. McCann) Is there a requirement that
 9 all commissioners --
 10 A. It's rules, it's the rules and the guidelines
 11 by the state. We're following the rules, period. I
 12 mean, I don't know what else to say to you. You've
 13 asked me a million times.
 14 Q. Is there a requirement that all three
 15 commissioners come to a unanimous determination in
 16 order to disqualify a ballot?
 17 A. We haven't had any problems since I've been
 18 there. I haven't been there more than -- not two
 19 years yet. We have not had any problems as a group,
 20 no.
 21 Q. So, I will repeat my question. Is there a
 22 requirement that all three commissioners come to a
 23 unanimous determination in order to disqualify a
 24 ballot?
 25 A. I don't know because I haven't had that

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1 situation come up. I'm sorry.
 2 Q. Okay.
 3 MS. McCANN: Okay, I'm going to show Exhibit 4,
 4 Cara Ortiz. So if you could please send that to
 5 counsel.
 6 (Plaintiff's Exhibit Number 4 marked for
 7 identification purposes and made part of the
 8 record.)
 9 MS. ORTIZ: I've just sent that over to counsel.
 10 MS. McCANN: Thank you.
 11 Q. (By Ms. McCann) Okay. Now Commissioner Gean,
 12 this -- you may not be able to see it given it's a
 13 spreadsheet, so I will just let you know that I'm
 14 showing an Excel spreadsheet that is titled
 15 Provisional List for FOI 2020 General. And it was --
 16 A. This is 20 -- 2020?
 17 Q. It's for 2020, yes.
 18 A. Okay.
 19 Q. Are you able to see the document?
 20 A. Uh-huh, I can see it.
 21 Q. Okay. Okay. So the document, I would just
 22 say for the record the document includes tabs that say
 23 counted, not counted and not counted absentees. Going
 24 to -- I will show you the tab that says not counted
 25 absentees here. And the tab lists a number of voter

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1 names and then the reason for rejection of their
 2 absentee ballot. Okay. On Row 2 you see Ray Blazer
 3 and the reason re -- rejected states no voter
 4 statement. Can you explain what no voter statement
 5 means in the context of disqualifying an absentee
 6 ballot?
 7 A. No, I can't, not without the information in
 8 front of me.
 9 Q. Are you familiar with the designation of no
 10 voter statement generally in connection --
 11 A. I don't know. I wasn't -- I wasn't present at
 12 2020, so I'm not going to comment on that. I don't
 13 know.
 14 Q. Okay. In the 2022 general election did you
 15 see any instances where an absentee ballot was
 16 disqualified for no voter statement?
 17 A. I can't recall.
 18 Q. Okay. Is the absence of a voter statement a
 19 reason that a voter's absentee ballot would be
 20 disqualified?
 21 A. I can't recall.
 22 Q. Okay. When you look at Row 3 you'll see a
 23 voter first name Amber, last name Campbell Albertson
 24 and the reason rejected states bad address on voter
 25 statement. Can you explain what bad address on voter

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1 statement means in the context of absentee ballots?
 2 A. No. I don't know what bad means, no.
 3 Q. Okay. In the 2022 general election in your
 4 experience in reviewing the absentee ballots was a
 5 ballot disqualified for a bad address on the voter
 6 statement?
 7 A. I can't recall.
 8 Q. Okay.
 9 A. I'm not sure what bad means, but I can't
 10 recall.
 11 Q. What is the requirement for a voter's address
 12 in connection with their absentee ballot submission?
 13 A. I don't know without the rules and regulations
 14 in front of me.
 15 Q. Okay. Is there a requirement that a voter's
 16 address on their voter statement must match the
 17 address submitted with their absentee ballot?
 18 A. Yes, that's a rule.
 19 Q. Okay. Okay. When you go to Rule 5 -- I mean
 20 to Row 5, apologies, you see Margaret Del Rio.
 21 A. Uh-huh.
 22 Q. And you see the reason rejected says address
 23 doesn't match.
 24 A. Right.
 25 Q. Can you explain what address doesn't match in

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1 the -- in connection with disqualifying absentee
 2 ballots?
 3 A. Not without the information in front of me.
 4 Q. Okay. Do you know whether address doesn't
 5 match relates to the previously looked at reason which
 6 states bad address on voter's statement?
 7 MR. WHITE: Objection to form, lack of foundation.
 8 THE WITNESS: I have no idea what the bad means on
 9 their description.
 10 Q. (By Ms. McCann) Okay. Is there a designation
 11 that you use in canvassing absentee ballots to denote
 12 that a voter has an error related to their address?
 13 A. We follow the rules and regulations given to
 14 us by the state that it's filled out correctly.
 15 Q. Okay. Okay. Looking at Row 8 we see Christy
 16 Gibson.
 17 A. Uh-huh.
 18 Q. And the reason rejected says bad address slash
 19 no voter statement. Can you explain what bad address
 20 no voter statement means in this context?
 21 A. No, I don't know what bad address, what
 22 they're referring to. The voter statement I'd have to
 23 have the information in front of me.
 24 Q. And by information what are you referring to?
 25 A. The rules and the procedures and the laws

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1 given to us by the state.
 2 Q. Okay. Is it possible for a voter to have
 3 their absentee ballot disqualified for more than one
 4 reason?
 5 A. Yes.
 6 Q. And during the process of canvassing absentee
 7 ballots, how do you record a voter's disqualified
 8 absentee ballot?
 9 A. How do I do what? I'm sorry.
 10 Q. How do you record a voter's disqualified
 11 absentee ballot?
 12 A. Well, remember, I told you that the
 13 coordinator does that for our county.
 14 Q. Okay. Row 10 lists reasons rejected for Rick
 15 Goins as no date of birth on paperwork. Okay. Are
 16 you familiar a rejection for having no date of birth
 17 on a voter's voter statement or absentee ballot
 18 submission?
 19 A. Am I -- I am not familiar. I've just had the
 20 birthdays not match. No birthday, as I say, I have
 21 not seen that.
 22 Q. When you say the birthdays don't match, can
 23 you be more specific as to what the mismatch is on
 24 which documents?
 25 A. The voter's statement and the ID given in the

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1 packet I guess you could call it, I don't know the
 2 correct terminology, they have to match.
 3 Q. Okay. And when the person canvassing the
 4 absentee ballot indicates that there is a potential
 5 error between a date of birth mismatch --
 6 A. Uh-huh, right.
 7 Q. -- do you make a further determination on
 8 whether the volunteer's assessment is correct?
 9 A. Yes. They -- they call us, you know, we're
 10 sitting right there, they raise their hand, we come
 11 look at it as a group, it's put in provisional.
 12 Q. Okay. Has there been an instance where a
 13 volunteer has flagged a potential error during the
 14 canvassing of the absentee ballots and you have
 15 disagreed with the volunteer or the clerk's
 16 characterization of the potential error?
 17 A. Disagreed, no. We put it in provisional and
 18 look at it at another time as a commission group.
 19 Q. Okay, Row 11 lists no address on voter
 20 statement. It's voter Tommy Golden. Are you familiar
 21 with this designation, no address --
 22 A. No.
 23 Q. -- on voter statement?
 24 A. No address. I've never seen that I don't
 25 think. I don't think I have. I can't recall if I

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1 have. We've looked at so many, but I -- I don't think
 2 so.
 3 Q. When you say you don't think you've seen it,
 4 can you specify whether you're referring to you
 5 haven't seen it as an error in one of the ballots you
 6 reviewed or are you not familiar with the designation
 7 as being a reason why a voter's --
 8 A. No, no, yeah, I just haven't seen it. I
 9 don't -- I don't -- they've always put an address.
 10 Q. Okay.
 11 A. But I -- but see, I've just been there a year
 12 and a half, so I don't know.
 13 Q. Okay. You haven't seen it. Can you describe
 14 what that would refer to, no address on voter
 15 statement?
 16 A. I guess there's no address where it says
 17 address. I don't know. I mean, that's just
 18 commonsense to me.
 19 Q. Okay. Going to Row 14 we see the rejection
 20 listed as on list twice, duplicate. Do you know what
 21 list is referred to here?
 22 A. I'm sure it's the -- the list for the county.
 23 I don't know what the correct terminology is, but
 24 everyone in the county that's a registered voter in
 25 that county is on the list in the clerk's office I

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1 assume. I don't know exactly technicalities.
 2 Q. Do you know how the list is used?
 3 A. Used. I don't know what you mean by that.
 4 Q. You explained it was a list of registered
 5 voters.
 6 A. Right. Sure.
 7 Q. Are you familiar with how the county uses
 8 that, that list in connection with canvassing absentee
 9 ballots or the process of canvassing absentee ballots?
 10 A. Well, you have to be a registered voter in
 11 that county to your -- for your vote to count. I
 12 don't know what else -- is that what you're asking?
 13 Q. So do you know what it would mean if a voter's
 14 absentee ballot was rejected as being a duplicate on
 15 that list?
 16 A. It means, I'm assuming, I don't know, I guess
 17 their name was on there twice.
 18 Q. Okay.
 19 A. But I don't know. I'm just using the word
 20 duplicate. I have no -- I really don't know.
 21 Q. Okay. Have you seen any issue with there
 22 being a duplicate in your experience of reviewing or
 23 canvassing absentee ballots?
 24 A. No, I don't think I've seen it. I've seen
 25 somewhere where they got an absentee ballot and they

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1 showed up at the polls to vote. I've seen that. Is
 2 that what you're saying?
 3 Q. I'm -- I'm asking you what you've seen in your
 4 experience.
 5 A. Yeah, I've seen that. I've seen that a couple
 6 times where the person come, you know, vote, shows up
 7 to vote at the poll but they -- it -- when you -- when
 8 they pull up, the poll workers they pull up their
 9 name. If they -- if they were sent out by the clerk
 10 an absentee, you know, forms and everything and a
 11 ballot, it would show up by their name and then they
 12 can't go vote at the polls. So I have seen that a
 13 couple times.
 14 Q. Okay.
 15 A. And I'm not sure what they do. I don't know.
 16 I'm guessing they let them vote provisional, the poll
 17 worker, because they can't review stuff like that and
 18 then -- and then we look at it again and they --
 19 they're not going to get to vote twice. You know what
 20 I'm saying?
 21 Q. In the instance of a voter showing up twice
 22 and that they submit a request for an absentee ballot
 23 and then showed up at the polls --
 24 A. Uh-huh.
 25 Q. -- is that a situation that you saw in the

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1 most recent 2022 general election?
 2 A. I can't remember. It's kind of all run
 3 together. I'm not sure if it was this one or the last
 4 one, so I don't know. But I have seen that just a
 5 couple times.
 6 Q. Okay. And to clarify, I don't know if I asked
 7 this before, but I know you attended and you were
 8 involved in the canvassing of absentee ballots for the
 9 most recent 2022 general election. What other
 10 elections were you involved in the process of
 11 canvassing go absentee ballots?
 12 A. Well, for our county it was just, you know,
 13 small things, you know, some school board, things like
 14 that. I haven't been there that long. So the other
 15 two commissioners there were have been there years and
 16 so I just watched what they did.
 17 Q. Do you recall when the school board election
 18 was that you participated in?
 19 A. Yeah, I'm sorry, I can't remember the exact
 20 date.
 21 Q. Okay. But you recall that it was during your
 22 time as a commissioner?
 23 A. Yes, yes, yes.
 24 Q. So I should -- to be more specific, when you
 25 started in January of last year?

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1 A. 2021.
 2 Q. Right. Okay.
 3 A. Yeah, yes.
 4 Q. Okay. Okay, going to the next row we see
 5 another address error. The voter is listed as Shirlee
 6 Huffman.
 7 A. Uh-huh.
 8 Q. And the reason rejected says, wrong address.
 9 Do you know what wrong address could mean in
 10 the context of disqualifying an absentee ballot?
 11 A. No, I don't know. I don't know if that -- I
 12 don't know what they mean by wrong address. I'm
 13 sorry.
 14 Q. If there's an address listed on a voter's
 15 voter statement --
 16 A. Uh-huh.
 17 Q. -- and that address does not match the address
 18 listed on their ID in their absentee ballot
 19 submission, would that ballot be disqualified for any
 20 reason?
 21 A. No. The address on the ID does not have to
 22 match.
 23 Q. Okay.
 24 A. In case, you know, like I said, if someone
 25 just got in a nursing home or something like that.

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1 And then they'd have a bearer saying, yes, this is so
 2 and so from this nursing home.
 3 Q. Okay. Okay. So, just to clarify going back
 4 because we discussed earlier Row 5 where you see it
 5 says address doesn't match.
 6 A. Uh-huh.
 7 Q. Are you -- are you familiar with any reason
 8 why an absent -- a voter's absentee ballot would be
 9 disqualified for not having a matching address for any
 10 reason?
 11 A. Yeah, I'm not sure. I'd have to have the
 12 rules and procedures in front of me.
 13 Q. Okay. In the most recent 2022 general
 14 election, do you recall there being any rejection of
 15 absentee ballots for having an address that does not
 16 match?
 17 A. I can't recall. I'm sorry.
 18 Q. If you go to Row 20 you'll see that it says
 19 unsigned voter statement. This is voter Marilyn Law.
 20 Are you familiar with a rejection reason for an
 21 unsigned voter statement?
 22 A. Am I aware of it? Yes, they have to sign it.
 23 Q. Okay, I'll rephrase the question. Can you
 24 describe -- can you describe what an unsigned voter
 25 statement is in this context?

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1 A. Not without the rules and procedures in front
 2 of me.
 3 Q. Okay. In your experience in canvassing
 4 absentee ballots in the most recent 2022 general
 5 election, were there any absentee ballots that were
 6 disqualified for having an unsigned voter statement?
 7 A. I can't recall. I don't think so. I can't
 8 recall. Sorry.
 9 Q. Is having an unsigned voter statement a reason
 10 for rejection of an absentee ballot?
 11 A. I'm not sure without my rules in front of me.
 12 Q. Okay. Okay. For Row 30 just below, I'll
 13 scroll down so you can see, it lists Allyson Moulton
 14 and the reason for rejection states, post office box
 15 no count.
 16 A. Correct.
 17 Q. Can you explain what post office box no count
 18 would mean in the context of rejecting an absentee
 19 ballot or disqualifying an absentee ballot?
 20 A. You cannot -- you cannot have the post office
 21 address on the voter statement.
 22 Q. Okay. Did you see any instances of have -- of
 23 a voter having the post office's address on their
 24 voter statement in the most recent 2022 general
 25 election?

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1 A. I can't recall. It's been this one or the one
 2 before. I can't recall. I'm sorry.
 3 Q. Okay. For Row 33 we see voter Kyle Nevels and
 4 the reason for rejection says no ballot inside.
 5 A. Right.
 6 Q. Can you explain what no ballot inside means in
 7 the context of rejecting or disqualifying an absentee
 8 ballot?
 9 A. No ballot was in the folder, you know, with
 10 their voter statement. They didn't have a ballot in
 11 there. They might have the voter statement and might
 12 have the ID, but for some reason they didn't put their
 13 ballot in the sealed envelope or in there, period. So
 14 you can't count the vote.
 15 Q. Okay. In the most recent 2022 general
 16 election do you recall any instances of rejecting an
 17 absentee ballot for having no ballot inside of the --
 18 A. I can't recall.
 19 Q. Okay. Going down to Row 36 we see the blank
 20 voter statement reason for voter Melba Parham.
 21 A. Uh-huh.
 22 Q. Can you explain what blank voter statement
 23 means in the context of disqualifying an absentee
 24 ballot?
 25 A. I don't know what they mean by that, but that

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1 would mean in our county that it's not filled out.
 2 They put it back in there but you have to fill it out.
 3 Q. Okay. Row 42 lists reason rejected as bad
 4 address, form incomplete for voter Lesia Schalski.
 5 Are you familiar -- I'll rephrase.
 6 Can you explain what that address slash form
 7 incomplete means in the context of disqualifying an
 8 absentee ballot?
 9 A. No. I'm sorry.
 10 Q. Is having an incomplete voter form a reason
 11 for disqualifying an absentee ballot?
 12 A. Well, there is a box in there that says this
 13 has to be completed. So yes, if you don't complete,
 14 complete that and then, yes, that will be a
 15 provisional.
 16 Q. Okay. In Row 46 we see James Snider and the
 17 reason for rejection says, no ID on voter statement.
 18 A. Right.
 19 Q. Can you explain what no ID on voter statement
 20 means in the context of disqualifying an absentee
 21 ballot?
 22 A. Well, an absentee you have to send a photocopy
 23 of your ID, so that would mean that it wasn't in
 24 there. Then that -- that person, you know, form and
 25 their ballot, if it was in there, sometimes they don't

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1 put it in there believe it or not, then that would
 2 still sealed and counted as a provisional. They would
 3 be notified by the clerk, which I said before, and
 4 then they could come and show their ID on the Monday
 5 after but they never do.
 6 Q. Sorry, I just want to make sure I -- I heard
 7 what you said, your volume was going down. When
 8 you --
 9 A. I'm sorry.
 10 Q. When you -- about when a voter submits an
 11 absentee ballot they're required to place a copy of
 12 their ID in the submission?
 13 A. Correct.
 14 Q. So, looking at Row 46 on this --
 15 A. Uh-huh.
 16 Q. -- document where it says --
 17 A. Uh-huh.
 18 Q. -- reason for rejection was no ID on voter
 19 statement, can you explain, and apologies, you may
 20 have just done so, but can you explain how that
 21 differs from the requirement of having a copy of the
 22 ID --
 23 A. Yeah, I don't know. I'm sorry, I'm sorry to
 24 talk over you. No, I don't know that. I don't know.
 25 Q. Okay.

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1 A. All I know is that -- that the ID copy has to
 2 be in there. I don't know what they mean by that.
 3 I'm sorry.
 4 Q. I see what you're saying. Okay.
 5 A. Yeah, yeah.
 6 Q. Okay. All right. Row 43 -- my apologies, not
 7 Row 43. Fifty-three, Row 53 is for voter Sandra
 8 Turner and the reason for rejection states no voter
 9 statement slash no ID.
 10 A. Correct.
 11 Q. So this appears to be very similar, but
 12 I'll -- I'll let you explain. Can you explain what no
 13 voter statement, no -- slash no ID would mean in the
 14 context of disqualifying an absentee ballot?
 15 A. Yeah, she -- she didn't put her voter
 16 statement in there. That has to be filled out. I
 17 mean, you can't compare address, name or anything and
 18 then she didn't even put her ID in there. So I don't
 19 even know -- I guess she put her ballot in there with
 20 the name on the outside of the envelope.
 21 Q. Okay.
 22 A. So you can't count that because by the rules
 23 you have to verify the person.
 24 Q. In canvassing absentee ballots, who is
 25 responsible for making the written record of why an

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1 absentee ballot was disqualified?
 2 MR. WHITE: Objection.
 3 THE WITNESS: Well, I've said at least four or
 4 five times. Our coordinator does that. I don't know
 5 about other counties.
 6 Q. (By Ms. McCann) Is the coordinator provided
 7 with specific codes or notations to make that
 8 recording?
 9 A. I don't know. That's for -- the coordinator
 10 does that.
 11 Q. Okay. Okay. Looking at Row 55, we see Angela
 12 Upchurch and the reason for rejection was no on bearer
 13 list. Can you explain what no on bearer list means in
 14 the context of disqualifying an absentee ballot?
 15 A. I don't know what that -- what they mean by
 16 that, no.
 17 Q. And I should clarify for the record, it says,
 18 no -- yeah, no on bearer list. And your answer is
 19 that you don't -- you don't know?
 20 A. I don't know what they mean by that.
 21 Q. Okay. Okay. Row 56 for voter Jonithan
 22 Vanscoy, the reason for rejection is listed as address
 23 and date of birth to not match. Is there a
 24 requirement -- I'll rephrase.
 25 Do you know what address and date of birth do

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1 not match refer to in the context of disqualifying an
 2 absentee ballot?
 3 A. No, not unless I have it in front of me.
 4 Q. Okay. Okay. And Row 58 lists for the voter
 5 Jerry Walters no ID, wrong address. And can you
 6 explain what no ID, wrong address means in the context
 7 of disqualifying an absentee ballot?
 8 A. Well, I mean, no ID is self explanatory. It
 9 wasn't in there. We talked about that many times.
 10 Wrong address, I don't know their descriptions, so
 11 I -- I'm not -- I don't know what they mean by that.
 12 Q. Okay. I'm going to show Exhibit 5.
 13 MS. McCANN: So, Cara Ortiz, if you could please
 14 send that to counsel now.
 15 MS. ORTIZ: I've just sent that to counsel.
 16 MS. McCANN: Thank you.
 17 MR. WHITE: I thought we had seen this document
 18 previously.
 19 THE WITNESS: We have.
 20 MR. WHITE: Okay.
 21 MS. McCANN: Yes. Yeah, that's my apologies. So
 22 we'll have to -- we can fix the exhibit once I'm
 23 finished with questioning.
 24 MR. WHITE: Pardon me?
 25 MR. MOSLEY: Has it already been marked as a

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1 previous exhibit number?
 2 MS. McCANN: Yeah, I just noted for the record
 3 that we can mark it -- it was previously marked I
 4 believe as exhibit --
 5 MR. WHITE: Two or three.
 6 MS. McCANN: Yeah. Yeah, it was previously marked
 7 as Exhibit 3. So we could please just go back to
 8 Exhibit 3 for on the record.
 9 Q. (By Ms. McCann) Okay. Commissioner Gean, I'm
 10 showing you a document that is labeled or titled
 11 County Board of Election Commissioners Procedures
 12 Manual. And it is a 2022 edition prepared by the
 13 state board of election commissioners. Can you see
 14 the document?
 15 A. Uh-huh, yes.
 16 Q. Do you recognize this document?
 17 A. I don't know. It's been a while since I had
 18 the training.
 19 Q. Okay.
 20 A. I don't remember the outside of the thing.
 21 Q. Okay. Just to clarify, is your testimony that
 22 you do not recognize the document or do you recognize
 23 the document?
 24 A. I don't know.
 25 MR. WHITE: Objection --

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1 THE WITNESS: I did my training in Fayetteville,
 2 so I don't -- it says Little Rock on it. I don't know
 3 if Fayetteville had Fayetteville at the bottom. I
 4 don't remember. There's a --
 5 MR. WHITE: Objection to --
 6 Q. (By Ms. McCann) So you're not sure if you
 7 recognize this document?
 8 A. I don't know.
 9 Q. Okay. So I just want to be clear on the
 10 record. It is your testimony that you do not know
 11 whether or not you recognize this document?
 12 A. Yeah, I don't know if I recognize the cover of
 13 my training, no, I don't know.
 14 Q. I can flip through the document so we can --
 15 maybe you can familiarize yourself with what is inside
 16 of the document. So, the third page is a letter from
 17 Director Daniel Shults and it's a letter to the county
 18 election commissioners and it --
 19 A. I don't recall reading that, but I know who
 20 Daniel Shults is.
 21 Q. Okay. And there's a table of contents that
 22 I'm showing --
 23 A. Okay.
 24 Q. -- as well. Have you seen this training
 25 manual before?

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1 A. Yes, but I don't really look at the table of
 2 contents, so I --
 3 Q. I'll continue, I'll continue to flip through
 4 just so you can see --
 5 MR. MOSLEY: Please let Ms. Gean finish what she's
 6 saying.
 7 MS. McCANN: Sure.
 8 THE WITNESS: Yeah, I've seen that page. Yes,
 9 I've seen that.
 10 Q. (By Ms. McCann) Okay. So, there are some
 11 specific pages that I would like to direct you to.
 12 A. Okay.
 13 Q. So I will just ask, are you familiar with the
 14 document titled County Board of Election Commissioners
 15 Procedures Manual --
 16 A. Yes.
 17 Q. -- 2022 edition?
 18 A. Yes, yes. I looked at the manual, yes.
 19 Q. Okay. When have you seen this document
 20 before?
 21 A. Well, during our training they went over
 22 stuff.
 23 Q. Okay.
 24 A. And if I have a question we'll refer back to
 25 it if we need to, but a lot of times I haven't needed

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1 to because I ask Lee Webb who is there and very
 2 helpful or I call Daniel Shults.
 3 Q. Okay. Since you first saw this manual, which
 4 I understand was provided during your training as --
 5 A. Uh-huh.
 6 Q. -- a commissioner, since that time how often
 7 have you consulted this training manual?
 8 A. How often? Just a few times because like I
 9 said, we work as a group and David Damron was there
 10 for 12 years, Lee Webb was there more than that, so
 11 they were -- they have -- answered any questions I
 12 had. So, or I call Daniel Shults.
 13 Q. When you have a question about -- when you
 14 have a question about reviewing absentee ballots --
 15 A. Uh-huh.
 16 Q. -- what step do you take first?
 17 A. Well, the -- were there, it's an open book
 18 type thing if we need to refer to it, so like I said
 19 there's been people there for years, the other
 20 commissioners, so I would ask them a question, you
 21 know, while I was trying to learn the process as I
 22 went, you know, new or I'd call Daniel Shults.
 23 Q. Okay.
 24 MR. WHITE: Okay, before you ask another question,
 25 Ms. McCann, we've been going for an hour, let's take

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1 five.
 2 MS. McCANN: That's fine.
 3 MR. WHITE: Thank you.
 4 THE WITNESS: You.
 5 THE VIDEOGRAPHER: We are going off the record.
 6 The time is approximately 12:00 p.m.
 7 (A recess was here had 12:00 to 12:06.)
 8 THE VIDEOGRAPHER: We are back on the record. The
 9 time is approximately 12:06 p.m.
 10 Q. (By Ms. McCann) Commissioner Gean, before a
 11 break we were discussing this and I will correct for
 12 the record, we were discussing what was previously
 13 marked as Exhibit 3. And this is the county board of
 14 election commissioners procedures manual. I just have
 15 a few more general questions and then I'll ask you
 16 some questions about some specific pages.
 17 Have you seen other commissioners or your
 18 co-commissioners refer to this manual since you've
 19 been a commissioner with the county board.
 20 MR. MOSLEY: Ms. Gean, you are muted.
 21 THE WITNESS: Did I fix it?
 22 MR. MOSLEY: Yes.
 23 MS. McCANN: Yes.
 24 THE WITNESS: Okay, I'm sorry.
 25 Q. (By Ms. McCann) Do you have --

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1 A. I don't have --
 2 Q. I heard you.
 3 A. I heard, I heard you. I'm so sorry. No, I
 4 have not seen them refer to the manual.
 5 Q. Okay. You reference that when you have a
 6 question you may call Commissioner Webb or
 7 commissioner -- or Commissioner McFadden or call
 8 Director Shults?
 9 A. Well, the other two commissioner will be
 10 present.
 11 Q. Yes. Let me rephrase. I realized as I was
 12 saying it.
 13 A. That's okay.
 14 Q. So you mentioned when you are canvassing
 15 absentee ballots or you have a ballot related question
 16 you may consult with co-commissioners or you may call
 17 Director Shults or you may refer to the procedures
 18 manual that's shown here?
 19 A. Correct.
 20 Q. Which -- which action do you take more
 21 frequently when you have a question about a ballot?
 22 A. Since Lee Webb is right next to me and he's
 23 been there I think at least 15 years plus and like I
 24 said, he's a minority party but we get along really
 25 well, I'll ask him. Before David Damron was there who

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1 was a Republican commissioner and he had been there 12
 2 years, so I would ask him.
 3 Q. Okay. Has this manual ever been used during a
 4 county board meeting?
 5 A. Has it been used? No. I mean, we haven't
 6 opened it up. Is that what you're saying? There
 7 would have been no need to.
 8 Q. Okay. Has -- have any rules or -- I'll
 9 rephrase.
 10 Have you ever needed to consult the manual
 11 during a meeting in connection with making a
 12 determination about absentee ballots?
 13 A. No, I've never had to consult the manual on
 14 the absentee ballots.
 15 Q. Okay. Okay. I will ask you a few questions
 16 about some specific pages here. I've turned to Page
 17 106 --
 18 A. Uh-huh.
 19 Q. -- in the document. And it's 106 of the pdf.
 20 I'll state for the record that it's Page 88 according
 21 to the pagination of the actual document. And it's
 22 titled at the top Best Practice for Analyzing for
 23 Absentee Ballot Data Points. So just taking a look at
 24 the first data point, which is --
 25 A. Uh-huh, uh-huh.

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1 Q. Can you read that paragraph and just let me
 2 know when you've had a --
 3 A. Okay.
 4 Q. -- chance to review it?
 5 A. Okay, sure. Okay, yes.
 6 Q. So, at the beginning -- okay. So under
 7 voter's name it should say that the best practices
 8 with respect to voter's name --
 9 A. Uh-huh.
 10 Q. -- and it's just there that at least one
 11 component of the names being compared must be in
 12 common. That's about the fourth line down. It says
 13 to be comparable two names must have at least one
 14 component of the names being compared and common. But
 15 it should be found comparable if the document or if
 16 the name printed -- if the name is sufficiently
 17 similar to any of the discrepancies such as an
 18 abbreviation --
 19 A. Uh-huh.
 20 Q. -- a nickname or a change in name that is not
 21 so dissimilar that election officials are unable to
 22 determine that the two documents reflect different
 23 forms of the name belonging to the same individual.
 24 A. Okay.
 25 Q. Do you recall seeing this best practice tip?

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1 A. No. I haven't had any of that, just the ID
 2 stuff.
 3 Q. Okay. Have you followed the tip as it's
 4 described in this paragraph?
 5 MR. WHITE: Objection to form --
 6 THE WITNESS: Well, I haven't -- I haven't had to.
 7 MR. WHITE: Hang on, Ms. Gean.
 8 THE WITNESS: Okay.
 9 MR. WHITE: Objection to form, lack of foundation.
 10 Now, Ms. Gean, you answer.
 11 THE WITNESS: Okay. I'm sorry. No, I haven't had
 12 this name situation come up.
 13 Q. (By Ms. McCann) Okay. Do you know whether
 14 this situation has come up in the past even prior to
 15 your role as a commissioner?
 16 A. Yeah, I don't know.
 17 Q. Okay. Do you understand the process for
 18 comparing a voter's name in the process of canvassing
 19 an absentee ballot?
 20 A. Do I understand? I understand. I just
 21 haven't had that situation.
 22 Q. Okay. If an application says Jane Smith --
 23 A. Uh-huh.
 24 Q. -- and an absentee voter's voter statement
 25 says Jane Doe, in your opinion would those names be

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1 comparable sufficient to admit the absentee ballot?
 2 MR. WHITE: Objection.
 3 THE WITNESS: I would con -- I would have to talk
 4 to the other commissioners.
 5 Q. (By Ms. McCann) Okay. Based off of your
 6 knowledge, you are unable to make a determination?
 7 A. Right. That would be provisional and then the
 8 commissioner -- commission would decide that.
 9 Q. Okay. Looking at the next paragraph where it
 10 says voter's address, can you please just read that
 11 and let me know when you've had a chance review it?
 12 A. Okay.
 13 Okay, yes.
 14 Q. So the best practices for a voter's address
 15 says that a voter's address should be found comparable
 16 if it is sufficiently similar, even if taking into
 17 account, what it says on the second line, minor in --
 18 incongru -- incongruities.
 19 Can you describe what that means for you
 20 proc -- or in canvassing absentee ballots?
 21 MR. WHITE: Objection to form, lack of foundation.
 22 Object to the form, counsel is testifying.
 23 Ms. Gean, you answer.
 24 THE WITNESS: That -- I don't have a personal
 25 thing on that. I would just as a comm -- as a

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1 commission committee we would look at that.
 2 Q. (By Ms. McCann) Do you recall receiving
 3 guidance regarding requirements for a voter's address
 4 in order for their absentee ballot to be admitted?
 5 A. Well, it's right there. What are you asking?
 6 It's right there right here. I mean, it says -- I
 7 don't know what you're asking.
 8 Q. Okay. Do you recall receive -- I'll rephrase.
 9 A. Okay.
 10 Q. Do you recall seeing this best practice tip on
 11 a voter's address?
 12 A. Well, with a P -- P.O. box, you know, I've
 13 seen that before. You know, we can't have a P.O. box
 14 as a voting -- voter's address. Is that what you're
 15 saying?
 16 Q. No. So I'm asking you and that's helpful. So
 17 my -- my question is, do you recall seeing this best
 18 practice tip related to a voter's address in
 19 connection with absentee ballots?
 20 A. I can't recall.
 21 Q. Okay. Do you recall, do you recall receiving
 22 any guidance regarding whether a voter's address must
 23 be compared in order for their absentee ballot to be
 24 admitted, accepted?
 25 A. Have I had any guidance? I mean, just in my

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1 training.
 2 Q. Okay. What was the training that you received
 3 related to comparing a voter's address in your
 4 review of -- in your review of an absentee ballot?
 5 A. Well, I --
 6 MR. WHITE: Objection.
 7 THE WITNESS: I mean, I don't recall the exact
 8 things they said, but it's right here in front of us.
 9 Q. (By Ms. McCann) Okay. So is it your testimony
 10 that this best practice tip regarding a voter's
 11 address was provided to you during the training you
 12 attended for the --
 13 A. Yes, yes. They went over it several times,
 14 yes.
 15 Q. Okay. What do you consider to be a minor
 16 incongruity?
 17 A. Well, I mean, they abbreviate street or
 18 avenue. I mean, that's the same thing, you know, as
 19 writing out the word. Is that what you're asking?
 20 Q. I'm asking you what you understand the --
 21 A. I understand that they don't have to write
 22 whole word out street, they could abbreviate that,
 23 they could abbreviate avenue, could abbreviate road,
 24 things like that.
 25 Q. Other than abbreviating the streets or avenue

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1 portion of a voter's address, are you aware of any
 2 other examples that would be considered a minor
 3 incongruity in connection with a voter's address in
 4 the process of canvassing an absentee ballot?
 5 A. Yeah, I'm not -- I'm not sure about that. I
 6 haven't seen that come up and if it did we'd work it
 7 as a committee.
 8 Q. Okay. Do you ever recall seeing a typo in a
 9 voter's address be considered a minor incongruity?
 10 A. I don't recall that.
 11 Q. In your experience based on your knowledge of
 12 comparing a voter's address, would a typo in a voter's
 13 address disqualify that voter from having their
 14 absentee ballot accepted?
 15 MR. WHITE: Object to form, lack of foundation.
 16 Ms. Gean, you answer.
 17 THE WITNESS: A typo. Well, most people write it,
 18 so I don't know what you mean by typo. I mean, if
 19 they -- if they can't write clearly, you know, I
 20 don't -- I don't -- what are you saying, typo?
 21 Q. (By Ms. McCann) I can rephrase.
 22 A. Uh-huh.
 23 Q. If a voter were to misspell their street name,
 24 based on your experience would that disqualify that
 25 voter's absentee ballot?

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1 A. Well, if they misspelled the street name but I
 2 can still tell that's what -- as a commission we can
 3 tell that's what -- what it says, you know what I
 4 mean, like they left out -- instead of two Es in the
 5 word they left one of them out, if everything else is
 6 correct we would probably as a commission count it.
 7 I'm saying probably. I don't -- they're not here to
 8 say. But -- but I haven't had any situation happen
 9 since I've been there.
 10 Q. So how would you tell based on your
 11 experience, how would you tell that a voter has
 12 misspelled their street name but meant to put the
 13 correct street name? I think we lost -- actually.
 14 MS. McCANN: Court reporter, can we please go off
 15 the record until Commissioner Gean is able to rejoin?
 16 THE REPORTER: Yes, ma'am.
 17 THE VIDEOGRAPHER: We are going off the record.
 18 The time is approximately 12:19 p.m.
 19 (A recess was here had 12:19 to 12:26.)
 20 THE VIDEOGRAPHER: We are back on the record. The
 21 time is approximately 12:26 p.m.
 22 Q. (By Ms. McCann) Okay. Okay, Commissioner
 23 Gean, we were previously looking at the county board
 24 of election commissioners' procedure -- procedures
 25 manual for 2022 and we were discussing this page which

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1 is titled Best Practice for Analyzing for Absentee
 2 Ballot Data Points. I'm going to ask the court
 3 reporter to please read back my last question?
 4 THE REPORTER: Yes, ma'am.
 5 (The record was read as directed.
 6 "Q. So how would you tell based on your
 7 experience, how would you tell that a voter has
 8 misspelled their street name but meant to put the
 9 correct street name?")
 10 THE WITNESS: I don't -- I can't tell what they
 11 meant. I mean, we just go by what's on the paper.
 12 But as a commission we'll decide as a group.
 13 Q. (By Ms. McCann) Okay. So I believe the
 14 previous example you gave when I asked how would you
 15 handle a typo in the street name, the example was that
 16 the street may be missing -- the street name may be
 17 missing an E or a letter and that is a typo where you
 18 would admit the ballot.
 19 A. Well, if everything else is correct.
 20 Q. Okay.
 21 A. And we know what -- what they meant by the
 22 word. You know what I'm saying? Like they left out
 23 an E or something or -- no, we have to go back as a
 24 commission and talk about that.
 25 Q. Right.

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1 A. We'd probably put it as provisional.
 2 Q. Okay.
 3 A. Yeah.
 4 Q. So to be specific, when you say they probably
 5 left off an E, how do you know that they left off the
 6 E?
 7 A. That's right, that's right. But, you know,
 8 especially if we look at the birthdate and it's, you
 9 know, an 85 year old man or woman, you know, we --
 10 we'll look as a commission and make sure everything
 11 else is in there, the rules are followed, look up
 12 the -- see if there's anything in there with one E.
 13 You know what I mean? If there's not that's
 14 probably -- I don't know. We'd have to as a
 15 commission look at that. I'm not going to just
 16 toss -- we're not going to just say no. I mean, we as
 17 a commission will look at it and go provisional.
 18 Q. Okay.
 19 A. Yeah.
 20 Q. So if there is an error with the street name
 21 you may consult whether that street name exists, for
 22 example?
 23 A. Right. You know, like if the street with one
 24 E doesn't even exist, everything else is correct, you
 25 know, as a commission we'll just talk about it. I

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1 can't speak for them.
 2 Q. Okay.
 3 A. But I would be inclined to count that.
 4 Q. Okay. Okay. We'll move on to the third data
 5 point that's listed here. Are you able to see my
 6 screen, Commissioner Gean?
 7 A. Yes, yes, yes.
 8 Q. The third data point is titled voter's date of
 9 birth. Can you just read that to yourself and let me
 10 know when you've had a chance to review?
 11 A. Yes.
 12 Q. Okay. I want to focus on this last clause
 13 we'll say where it says the dates should be found
 14 comparable. If one document expressed the date in a
 15 month slash day slash year form and the other document
 16 expressed the same date in the day slash month slash
 17 year form. Okay?
 18 A. Yes. Month and day is switched, is that what
 19 you're saying?
 20 Q. I'm sorry, I'm just asking -- there's no
 21 question pending. I'm just --
 22 A. Oh, okay, I'm sorry.
 23 Q. My apologies. So, with respect to this, this
 24 last part of this sentence that I just stated, what do
 25 you understand the -- what do you understand the

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1 paragraph to be referencing in terms of if one
 2 document matches the other document? What documents
 3 are -- is this paragraph referring to?
 4 A. The document has to state that's in their
 5 packet, their -- their form they filled out.
 6 Q. Okay.
 7 A. Is that what you're asking? Yeah, they have
 8 to be the same as the birthdate on their driver's
 9 license, you know, their -- whatever their ID is.
 10 Q. Okay.
 11 A. Yeah.
 12 Q. Have you seen an instance since you've been a
 13 commissioner where you needed to compare the voter's
 14 date of birth information on different documents?
 15 A. Well, for the absentee it's in there, you
 16 know. That's the form they fill out with their ID, so
 17 that's what we compare.
 18 Q. I'm sorry, can you just be more precise?
 19 A. Well --
 20 Q. Compare the voter form --
 21 A. On the voter statement, their voter statement
 22 with their ID that they put in there, their birthdates
 23 have to match.
 24 Q. Okay. And in the instance that's described
 25 here in this last clause where a voter may have

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1 expressed the date on their voter statement
 2 differently from how it's reflected in another
 3 document like the ID --
 4 A. Uh-huh.
 5 Q. -- how would you assess the -- the absentee
 6 ballot -- how would you assess the voter's
 7 qualification to submit an absentee ballot?
 8 A. Yeah, that would be a provisional.
 9 Q. Okay. And how many instances in the 2022
 10 general election did you see involving a mismatch
 11 between a voter's date of birth?
 12 A. I know I remember one. There might have been
 13 a couple more. I can't recall.
 14 Q. At least one?
 15 A. At least one.
 16 Q. And when that voter is notified that their
 17 ballot will be made provisional, are they notified --
 18 A. Yes, the coordinator takes care of that and --
 19 and I'm not sure after that. I think goes back to the
 20 clerk and the clerk notifies them.
 21 Q. Okay. I just want to finish my question. So
 22 when --
 23 A. I'm sorry.
 24 Q. No problem. When the voter is notified that
 25 their ballot will be made provisional, are they

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1 notified of the specific reason for that notation?
 2 A. I'm not sure. I would -- I would assume so
 3 since they can fix it, you know, have a chance to come
 4 fix it.
 5 Q. Okay.
 6 A. And they do the following Monday.
 7 Q. How would the ballot -- how would an absentee
 8 ballot be assessed if the dates do not match entirely?
 9 MR. WHITE: Objection to form, vague.
 10 THE WITNESS: Well, it would be provisional, but
 11 if they don't match at all the committee -- I'm
 12 speaking for myself, I don't know about the other two,
 13 that would not count. That has to match.
 14 Q. (By Ms. McCann) Okay. Can you just clarify in
 15 your response -- I asked how would the absentee ballot
 16 be handled if the two dates do not match entirely. In
 17 what circumstance would that ballot be made
 18 provisional and in what circumstance would it be
 19 disqualified?
 20 A. Well, it always is provisional. We put them
 21 provisional. We don't just -- you know, at that point
 22 you're going -- when you're doing the ballot you don't
 23 just throw it out. I mean, it goes to a provisional
 24 stack, you know, container.
 25 Q. And who reviews the provisional?

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1 A. The commission.
 2 Q. I'm sorry, the commission?
 3 A. Yeah, the -- the commissioners, us, uh-huh.
 4 Q. And at that point when you review a
 5 provisional ballot and there is an error related to
 6 the voter's date of birth, how do you determine
 7 whether the error will disqualify the ballot entirely?
 8 MR. WHITE: Objection.
 9 THE WITNESS: We'll just work as a -- we'll refer
 10 to the rules and, you know, the laws and we'll decide
 11 as a commission.
 12 Q. (By Ms. McCann) Okay. Let's take a look at
 13 the last data point here which says voter's signature.
 14 And if you could just take a moment like the others --
 15 A. Okay.
 16 Q. -- and review it.
 17 A. Sure. Okay, yes.
 18 Q. Okay. So in this tip it says that a voter's
 19 signature should be found comparable unless the voter
 20 statement signature is sufficiently dissimilar to the
 21 signature on the absentee ballot application.
 22 Do you recall seeing this practice tip?
 23 A. No, I haven't seen that.
 24 Q. Okay. Have you ever followed the guidance
 25 that is described in this practice tip?

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1 MR. WHITE: Object to form.
 2 THE WITNESS: No, I haven't.
 3 MR. WHITE: Lack of foundation.
 4 MS. McCANN: I'm simply asking if commissioner --
 5 MR. WHITE: I don't care. I'm just making an
 6 objection.
 7 MS. McCANN: And I'm noting for the record, I'm
 8 simply asking that whether Commissioner Gean has
 9 followed the guidance that is described in --
 10 MR. WHITE: Objection to form, lack of foundation.
 11 Q. (By Ms. McCann) You can please answer,
 12 Commissioner Gean.
 13 A. Well, yes, we fol -- we would follow the rules
 14 that -- that we were trained on, but I personally have
 15 not seen the signature problem.
 16 Q. Okay. Does anyone other than the commissioner
 17 and the coordinator you mentioned have the authority
 18 to mark a ballot as provisional?
 19 A. Well, the coordinator really doesn't do that.
 20 She just would take the provisionals and let the clerk
 21 know. But the commissioners, the three of us do
 22 look -- look at -- make -- you know, we're following
 23 the guidelines and the rules that we're trained on.
 24 That would be provisional.
 25 Q. Is the coordinator involved at all in making a

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1 determination about whether a ballot is marked as
 2 provisional?
 3 A. No.
 4 MR. WHITE: Object to the form, asked and
 5 answered.
 6 Q. (By Ms. McCann) Okay. So, before we discussed,
 7 you know, your role, this was earlier when we -- when
 8 we were discussing the training process and how
 9 commissioners canvas and process absentee ballots and
 10 we discussed the steps taken once the ballot is --
 11 envelope is open and then once the application is
 12 reviewed. Do you -- can you describe the steps that
 13 are taken before you give an absentee ballot
 14 application to the coordinator marked provisional?
 15 A. No. We just follow the rules and procedures
 16 like -- like I told you. They -- they have -- the
 17 per -- the voter has to follow the rules and
 18 procedures and we just make sure they're done
 19 correctly.
 20 Q. Okay. And --
 21 A. Yeah.
 22 Q. -- by the rules and procedures are you
 23 referring to the procedures and rules described in the
 24 manual --
 25 A. Correct.

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1 Q. -- that I showed you?
 2 A. Correct, yes.
 3 Q. Can you describe the process of how a voter
 4 may correct an error or deficiency in their bal --
 5 absentee ballot that was marked provisional?
 6 A. I can't describe the process, no. The
 7 coordinator tells the clerk and the clerk notifies
 8 them. That's -- that's all I know the process.
 9 Q. Okay. So the coordinator is simply notifying
 10 the voter of the reason that was provided by yourself
 11 or the other co-commissioners?
 12 MR. MOSLEY: Objection.
 13 THE WITNESS: The coordinator, I don't know all of
 14 her jobs, but I do know from -- from us, she's with
 15 us, you know, in the same building in our commission
 16 office when they're doing that, so she will give it to
 17 the clerk and after that I don't -- I don't know.
 18 Q. (By Ms. McCann) So just to clarify what I'm
 19 asking, is it your testimony that the commissioner,
 20 yourself or your co-commissioners --
 21 A. Uh-huh.
 22 Q. -- are responsible for notifying the
 23 coordinator of the reason why a ballot is marked as
 24 provisional?
 25 A. Well, the coordinator is present. So we'll

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1 tell the coordinator and how she marks it or codes it
 2 or I don't know. I don't know that.
 3 Q. Okay. Okay.
 4 A. Could I ask you a question?
 5 MR. MOSLEY: Ms. Gean, I'm going to advise you --
 6 THE WITNESS: Yes.
 7 MR. MOSLEY: I'm going to advise you you cannot
 8 ask her a question.
 9 THE WITNESS: Okay.
 10 MR. MOSLEY: I'll furthermore advise you not to
 11 ask her a question.
 12 THE WITNESS: Okay.
 13 Q. (By Ms. McCann) So I just want to ask you
 14 about the county's process for notifying voters. And
 15 I understand I asked you a few questions, you said the
 16 coordinator handles it. Does the county make
 17 available to the public any information on how to --
 18 how to vote?
 19 A. Pardon?
 20 MR. MOSLEY: I think you -- I think you cut off,
 21 counsel. I heard how -- I heard how to and then I
 22 think it cut off.
 23 MS. McCANN: Yeah, my apologies. I'll restate the
 24 question.
 25 Q. (By Ms. McCann) Does the county make available

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1 to the public any information on how to vote?
 2 A. I don't know.
 3 Q. Okay. Does the county make available to the
 4 public any information on how to request an absentee
 5 ballot?
 6 A. I don't know.
 7 Q. Is the county responsible for providing voters
 8 with information on how to vote?
 9 A. I don't know.
 10 Q. Okay. Are you involved in the process of
 11 reviewing a voter's absentee ballot application after
 12 they've had a chance to correct the error or the
 13 deficiency?
 14 A. I've never had that happen. No one's ever
 15 come back to correct it, so I don't know.
 16 MR. MOSLEY: You asked about the application,
 17 counsel. Is that what you meant to ask about?
 18 MS. McCANN: I can rephrase the question.
 19 Q. (By Ms. McCann) So have you ever been involved
 20 in the process of reviewing the absentee ballot
 21 application after a voter has had an opportunity to
 22 cure the error or the deficiency?
 23 A. Yes, yes, as a commission we're -- we look at
 24 the provisionals, but there has never been someone to
 25 come, you know, right their wrong as you could say.

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1 There never one said, hey yes, I'm bringing my ID, you
 2 know, which I normally see. No one's ever come back
 3 to fix it, no.
 4 Q. Okay.
 5 A. Yeah.
 6 Q. So just to specify, once the -- once an
 7 absentee ballot is marked as provisional --
 8 A. Uh-huh.
 9 Q. -- and the voter is notified of the reason
 10 that is marked as provisional --
 11 A. Correct.
 12 Q. -- are they afforded an opportunity to cure
 13 the potential deficiency?
 14 MR. WHITE: Objection to form. This has been
 15 asked and answered.
 16 THE WITNESS: As far as I understand, an ID, they
 17 can come back on the following Monday and correct that
 18 and their vote will count.
 19 Q. (By Ms. McCann) Right.
 20 A. Yes.
 21 Q. So I'm asking -- and I'll ask because you
 22 noted that no one has ever corrected. So just -- just
 23 to clarify, has there been an instance where a voter
 24 has come back to correct the error that caused their
 25 ballot to be marked as provisional?

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1 MR. WHITE: Objection --
 2 THE WITNESS: No, I have not --
 3 MR. WHITE: -- to form.
 4 THE WITNESS: -- had that, no, but I haven't been
 5 there very long.
 6 Q. (By Ms. McCann) Okay. I'm going to show
 7 exhibit -- what is now Exhibit 5. Yes. If you could
 8 please -- I think it was previously -- this is the
 9 document that ends in Bates stamp 18690. Cara, if you
 10 could please send that to counsel.
 11 MS. ORTIZ: I've just sent that to counsel.
 12 MS. McCANN: Thank you.
 13 (Plaintiff's Exhibit Number 5 marked for
 14 identification purposes and made part of the
 15 record.)
 16 MR. WHITE: Can you just put it up on the screen?
 17 MS. McCANN: Give me one second. Okay. Okay.
 18 Q. (By Ms. McCann) Commissioner Gean, are voters
 19 sent a letter when their ballot is marked provisional?
 20 A. I don't know. I don't know that. All I -- I
 21 don't know that. I don't know if they're -- if it's
 22 marked provisional. I don't know. I don't know at
 23 what point they received a letter. They are -- they
 24 are given a letter why their bal -- their vote was
 25 rejected, but I don't know exactly when that is.

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1 Q. Okay. And in what circumstance -- we noted
 2 it's marked provisional. In what circumstance would a
 3 voter receive a letter in response to their submitted
 4 absentee ballot application?
 5 A. Well, for the example you've given right here
 6 as an example. Although it was 2020, which I wasn't
 7 present, but that would be an example. If they don't
 8 have -- if everything is correct but they don't have
 9 their ID, like I said before, they can come back the
 10 following Monday and present their ID and their vote
 11 will count.
 12 Q. Okay. In what circumstance would a voter
 13 receive a letter notifying them that their ballot was
 14 disqualified and had not been cast?
 15 A. Well, for the example that you've given me,
 16 that's one example.
 17 Q. Okay. So I just want to clarify because
 18 before I asked about the absentee ballot application
 19 and I'm asking now about when a voter would be
 20 notified that it was -- their -- their vote was not
 21 counted.
 22 A. Yeah, I don't know. The coordinator does
 23 that. I don't know when exactly she sends that out.
 24 I don't know.
 25 Q. Do you recognize this document that is shown

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1 on the screen?
 2 A. No. I wasn't present in 2020.
 3 Q. Okay. And I'll state for the record it says
 4 November 12th, 2020. It's a letter from Meghan
 5 Hassler, the Sebastian County election coordinator.
 6 How often do you work with Ms. Hassler?
 7 A. Well, she's a part time paid, you know,
 8 worker, so she's there all the time. I only go down
 9 when we need to for meetings or before elections, so I
 10 don't know how many times.
 11 Q. Okay. Do you work with Ms. Hassler in the
 12 course of your role as a commissioner outside of
 13 election day or canvassing absentee ballots?
 14 A. Well, when we have meetings or something, you
 15 know, all the commissioners are present.
 16 Q. Okay. And at those meetings what is typically
 17 discussed?
 18 A. What -- when we need to be there to canvas the
 19 votes and, you know, we need to come back at 6:00
 20 o'clock on election day, you know, stuff like --
 21 nothing, just what we've got on the schedule.
 22 Q. Okay. At the meetings that you're describing,
 23 do you discuss the requirements for canvassing or
 24 processing absentee ballots?
 25 A. At the meetings, no, we don't discuss that

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1 because we've already had our training.
 2 Q. Okay. Do you meet with Ms. Hassler -- Ms.
 3 Hassler outside of the commissioner meetings?
 4 A. No.
 5 Q. Okay. Do --
 6 A. I mean, I can -- I am -- that's my -- I mean,
 7 she -- I am above her, meaning she works for me, so I
 8 can go down to our commission's office anytime I want.
 9 So, I mean, I don't know what you're asking.
 10 Q. Okay. No, that's -- I think you've answered
 11 my question.
 12 A. Okay.
 13 Q. So, do you supervise Ms. Hassler's notifying
 14 voters that their ballot has been marked provisional?
 15 A. Do I supervise that? No, I don't supervise
 16 that.
 17 Q. Okay.
 18 A. I mean, I know -- I know -- we know -- as a
 19 commission we know the provisional votes, I mean, you
 20 know, the voters --
 21 Q. You know --
 22 A. -- but that's her job to notify them.
 23 Q. Okay. You know that --
 24 A. Actual -- it might be -- and then I think it's
 25 the clerk's job but she sends them the letter.

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1 Q. Okay. I ask because you noted a moment ago
 2 that you supervise Ms. Hassler -- that Ms. Hassler
 3 works under you.
 4 A. Right, she does.
 5 Q. And so --
 6 A. Not under me, under all three commissioners.
 7 We work as a team.
 8 Q. Okay.
 9 A. Yeah.
 10 Q. Any of the other co-commissioners supervise
 11 her sending or the letter to or notifying voters that
 12 their ballot has been marked provisional or been
 13 disqualified?
 14 A. I don't know.
 15 Q. Okay. Can you describe your responsibilities
 16 in -- in supervising Ms. Hassler?
 17 A. No. I just follow the rules and the
 18 procedures of the state.
 19 Q. Have there been instances where Ms. Hassler
 20 has come to you about a question about why a voter's
 21 ballot has been marked provisional?
 22 A. No, because she's present with the other two
 23 commissioners.
 24 Q. Do you work -- do you instruct Ms. Hassler
 25 when to notify voters --

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1 A. No.
 2 Q. -- that a ballot has been marked provisional?
 3 A. No, I don't instruct her.
 4 Q. Okay. Do you provide Ms. Hassler guidance on
 5 how to handle -- I'll rephrase.
 6 Do you provide Ms. Hassler guidance on how to
 7 record the notations once a voter's absentee ballot
 8 has been marked provisional?
 9 A. No, I don't -- no, I don't provide her that.
 10 She's been there a lot longer than me, so no.
 11 Q. Do you --
 12 A. She's been trained well.
 13 Q. Do you provide Ms. Hassler guidance related to
 14 how to mark -- how to record a disqualified absentee
 15 ballot?
 16 A. No. She has gone through the training.
 17 Q. And when you mention training, which training
 18 are you referring to that she --
 19 A. Coordinate -- coordinator training. She has
 20 training that she goes to.
 21 Q. Who leads these trainings?
 22 A. I have no idea. I don't know. I'm sure it's
 23 the state. And I don't know if it's technically
 24 called coordinator training because some counties in
 25 Arkansas don't have coordinators, the commissioners do

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1 all of it. But Sebastian County has a coordinator.
 2 Q. Okay.
 3 A. So it might just be another commissions
 4 meeting that she goes to, I don't know, but I know she
 5 goes through training.
 6 Q. Okay. Do you review the notifications to
 7 voters prior to them being sent?
 8 A. No. I don't know if -- that the other two
 9 commissioners do. I don't know.
 10 Q. Okay. So we've talked about a letter -- a
 11 letter. Are you aware of any other format in which a
 12 voter would be notified about their ballot being
 13 disqualified or being marked provisional?
 14 A. Yeah, I don't know.
 15 Q. Have you seen the letter that was sent to
 16 voters from the most recent 2022 general election
 17 notifying them that their ballot was disqualified?
 18 A. No, I have not seen the letters.
 19 Q. Okay. And did you see any notification to
 20 voters from the general 2022 election notifying them
 21 that their ballot was marked provisional?
 22 A. No, I have not seen those.
 23 Q. Okay. Okay. I am going to show exhibit --
 24 what is now Exhibit 6.
 25 MS. McCANN: And Cara Ortiz, that is the document

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1 that ends in Bates stamp 18692. If you could please
 2 send that to counsel.
 3 (Plaintiff's Exhibit Number 6 marked for
 4 identification purposes and made part of the
 5 record.)
 6 MS. ORTIZ: I've just sent that to counsel.
 7 MS. McCANN: Thank you.
 8 Q. (By Ms. McCann) Okay. So Commissioner Gean,
 9 this is a similar letter also dated November 12, 2020
 10 and I'll let you know that it's titled absentee no
 11 incomplete voter, n-o incomplete voter and it's dated
 12 November 12, 2020. And --
 13 MR. WHITE: Object to form, counsel is testifying.
 14 Q. (By Ms. McCann) Do you recognize this
 15 document?
 16 A. I wasn't there in 2020.
 17 Q. Okay. Have you seen this document before?
 18 A. I wasn't there in 2020.
 19 Q. Okay.
 20 MS. McCANN: I'm going to motion to strike as
 21 nonresponsive.
 22 Q. (By Ms. McCann) I just need a yes or a no
 23 answer on whether you've seen the document before or
 24 not.
 25 A. I have not, no.

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1 MR. WHITE: I'm going to motion strike the exhibit
 2 since she hasn't seen it.
 3 MS. McCANN: Okay.
 4 Q. (By Ms. McCann) So, do you typically notify --
 5 does the county typically notify voters that their
 6 voter statement has been marked as incomplete?
 7 A. I don't know how the county does it. I have
 8 no idea.
 9 Q. Do you know whether notice of voters for a
 10 particular election is always sent on one particular
 11 day?
 12 A. I said it before, I don't know when it's sent
 13 out.
 14 Q. Are you familiar with the steps that a voter
 15 is required to take to cure a ballot deficiency?
 16 A. No, I don't know. The only thing I know is
 17 that the ID, they can come back on the following
 18 Monday.
 19 Q. Okay. I'm going to go back to Exhibit 1. I'm
 20 just noting that for the record. I'll rotate it
 21 there. And we're looking at Exhibit 1 titled 2022
 22 County Board of Election Commissioners Training. And
 23 I want to turn specifically to Slide 47.
 24 MR. WHITE: I'm going to move to strike it because
 25 she did not authenticate it.

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1 Q. (By Ms. McCann) Which indicates that absentee
 2 ballots without voter ID will be considered
 3 provisional.
 4 MR. WHITE: Objection, counsel is testifying.
 5 MS. McCANN: I'm just making a note of the
 6 document for the record.
 7 Q. (By Ms. McCann) Is it your understanding,
 8 Commissioner Gean, that a notice and cure process
 9 would be difficult for the county to maintain?
 10 A. I don't know what you're asking.
 11 Q. So, we discussed just a moment ago the process
 12 the county takes and specifically the election
 13 coordinator takes with notifying absentee voters that
 14 their ballot has been marked provisional. Do you
 15 understand that process to be challenging for the
 16 county?
 17 MR. WHITE: Objection to form.
 18 MR. MOSLEY: Objection.
 19 MR. WHITE: It misquotes the witness. The witness
 20 told you not -- she didn't know how it was done and
 21 therefore you lack foundation. Thank you.
 22 MS. McCANN: And I'm going to note for the record
 23 that the counsel is making speaking objections and I
 24 would just ask that you keep your objections to an
 25 objection and a statement of the reason.

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1 MR. WHITE: I'm going to ask you --
 2 MS. McCANN: And I will just ask one more --
 3 MR. WHITE: I'm going to ask you to stop being --
 4 Q. (By Ms. McCann) Can you please --
 5 MR. WHITE: -- contentious.
 6 Q. (By Ms. McCann) -- let me know if you believe
 7 from your experience whether it is difficult for the
 8 county to notify voters of the deficiency that has
 9 caused their ballot to be marked provisional?
 10 MR. WHITE: Same --
 11 MR. MOSLEY: Objection.
 12 THE WITNESS: I would not say difficult, no.
 13 Q. (By Ms. McCann) Okay. And can you recall any
 14 instances where a voter received an opportunity to
 15 cure a defective ballot through a means other than the
 16 cure procedures outlined by the county?
 17 MR. WHITE: Objection.
 18 THE WITNESS: I don't know.
 19 Q. (By Ms. McCann) Okay. Okay, So I'm going to
 20 stop sharing this for now. I have some additional
 21 questions but they are not related to this document,
 22 so I can take this down.
 23 Can you describe how Sebastian County logs and
 24 stores data for disqualified absentee ballots?
 25 A. I don't recall.

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1 MR. WHITE: Ms. Gean, you're going to have to sit
 2 closer to the microphone.
 3 THE WITNESS: Okay, sorry. I don't recall.
 4 Q. (By Ms. McCann) Do you know whether the data
 5 related to disqualified absentee ballots is collected
 6 as the absentee ballot review process occurs?
 7 A. I don't know.
 8 Q. Okay.
 9 MR. MOSLEY: I don't think that answer was
 10 recorded or at least I didn't hear it.
 11 THE WITNESS: I don't know.
 12 MR. MOSLEY: Okay.
 13 Q. (By Ms. McCann) Have you ever discussed with
 14 Ms. Hassler how she records absentee ballots or how
 15 she records the notation -- absentee ballot for the
 16 record?
 17 A. No, I haven't discussed it.
 18 Q. Okay. Do you discuss absentee ballots with
 19 Ms. Hassler during the review process?
 20 A. I don't know what your -- your question -- the
 21 commissioners talks about it.
 22 Q. So, during the absentee ballot canvassing
 23 process -- and I'll rephrase. During the 2022 general
 24 election during the time that you were involved in the
 25 process of canvassing absentee ballots --

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1 A. Uh-huh.
 2 Q. -- did you speak to Ms. Hassler during that
 3 process?
 4 MR. WHITE: Objection, asked and answered.
 5 THE WITNESS: She was in the -- she was in the
 6 commissioners' office, yes, with all of us.
 7 Q. (By Ms. McCann) Did you interact with Ms.
 8 Hassler?
 9 MR. WHITE: Objection.
 10 THE WITNESS: I mean, interact, we all spoke.
 11 Q. (By Ms. McCann) So to clarify, you and your
 12 co-commissioners spoke with Ms. Hassler while you were
 13 in the room reviewing and canvassing absentee --
 14 A. Well, the -- the volunteers, as I discussed,
 15 were looking at them. We're in the room with them and
 16 she's -- she's not in there the entire time because
 17 the commissioners, that's our job is to look at the
 18 absentees.
 19 Q. Okay.
 20 A. But her office is located in our commissions
 21 office. She is part of our, you know, team.
 22 Q. And what is your level of interaction during
 23 that process when you canvas an absentee ballot?
 24 MR. MOSLEY: Objection.
 25 MR. WHITE: Objection.

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1 MR. MOSLEY: Ambiguous and vague.
 2 THE WITNESS: I don't know. I don't know.
 3 Q. (By Ms. McCann) Do you ask questions in --
 4 I'll rephrase.
 5 Do you speak with Ms. Hassler during the
 6 process of canvassing absentee ballots about the
 7 ballots that you are view -- you are reviewing and the
 8 volunteers are reviewing?
 9 MR. WHITE: Objection.
 10 THE WITNESS: We --
 11 Q. (By Ms. McCann) I'm sorry --
 12 THE REPORTER: I'm sorry, I can't hear you.
 13 Q. (By Ms. McCann) You cut out for a little bit.
 14 A. I'm sorry. You know, the volunteers opening
 15 them and we -- we as a committee will hand Meghan or
 16 give her the stack of provisionals.
 17 Q. Okay.
 18 A. And then she -- however she codes them I have
 19 no idea. I don't know.
 20 Q. Okay. Do you understand that Ms. Hassler is
 21 required to code the reasons for rejection, rejecting
 22 a ballot in any particular manner?
 23 A. I don't know. I don't know. She keeps a
 24 record of all of it though, but I don't know.
 25 Q. Do you know where she keeps that record?

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1 A. No, no, I don't know. I don't know. I mean,
 2 it's not a secret thing if that's what you're asking.
 3 It has to be -- it has to be all accounted for and
 4 given to the clerk.
 5 Q. How do you know that Ms. Hassler keeps a
 6 record for the reasons for rejection, rejecting?
 7 A. Well, because there's a sheet of paper that,
 8 you know, you write down why the -- why the ballot was
 9 rejected, you know, as provisional so that people --
 10 you can't just put them in a stack because it's
 11 confusing because then people have to follow through,
 12 well, why was this -- you put on there like why, like
 13 no ID or whatever just for clarification is what I'm
 14 saying.
 15 Q. Was this type of paper where Ms. Hassler
 16 records the reason for rejecting an absentee ballot,
 17 was that created for the disqualified ballots from the
 18 2022 general election?
 19 A. Well, every election all record the
 20 provisional ballots, everything is accounted for.
 21 Q. Okay.
 22 A. You can't just have a different number, it
 23 has -- everything has to be accountable.
 24 Q. Is Ms. Hassler responsible for recording those
 25 reasons for the disqualified ballots for every

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1 election, so not just the previous 2022?
 2 A. I don't -- I don't know.
 3 Q. Do you know how long data is stored on
 4 disqualified absentee ballots in Sebastian County?
 5 A. I don't know.
 6 Q. Are you aware of any existing guidelines for
 7 the collection and maintenance of data and records
 8 related to ballots that are ultimately disqualified
 9 after canvassing?
 10 A. I don't -- I don't recall. I don't know.
 11 Q. Do you know how data collection and
 12 maintenance for the type of data that Ms. Hassler
 13 records is standardized across multiple election
 14 cycles?
 15 A. I don't know.
 16 Q. Are you aware of whether Ms. Hassler or other
 17 prior election coordinators use abbreviations to
 18 signify a reason for rejecting an absentee ballot?
 19 A. I don't know.
 20 Q. Are any other persons other than Ms. Hassler
 21 responsible for recording, recording reasons for
 22 disqualifying an absentee ballot?
 23 A. I don't know.
 24 Q. Are you involved at in all transmitting data
 25 related to disqualified absentee ballots for the state

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1 after an election?
 2 A. No.
 3 Q. Okay. Is data recorded during the course of
 4 canvassing an election transmitted to the state?
 5 A. I don't know that procedure. I don't know.
 6 Q. Do you know what type of information or data
 7 would be transmitted to the state --
 8 A. I don't know.
 9 Q. -- in connection with disqualified absentee
 10 ballots?
 11 A. I don't know.
 12 Q. Do you know whether data has to be transmitted
 13 to the state in any particular format?
 14 A. I don't know.
 15 Q. In your experience is there a specific state
 16 official that is responsible for receiving election
 17 related data transmitted from the county?
 18 A. I don't know.
 19 Q. Okay. Are you aware of when data is
 20 transmitted to the state?
 21 A. No, I don't know.
 22 Q. Okay, I'm going to show you Exhibit 1 once
 23 more. Let me put that on the screen.
 24 MR. WHITE: Reiterate my objection to it.
 25 Q. (By Ms. McCann) Okay. So this is a -- for the

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1 record, this is a page titled Exercise A, Processing
 2 Absentee Ballots - Scenario One. Apologies, this is
 3 the wrong page. Let me just -- okay. So I'm showing
 4 you the page titled Ballot Disposition Report. Okay.
 5 And on this page it notes that commissioners are
 6 required by Act 1022 to complete the ballot
 7 disposition report.
 8 Have you seen a ballot disposition report?
 9 MR. WHITE: Object to the form, counsel is
 10 testifying.
 11 THE WITNESS: No.
 12 Q. (By Ms. McCann) Okay. You -- you've never
 13 seen a ballot disposition report?
 14 MR. WHITE: Objection --
 15 THE WITNESS: No.
 16 MR. WHITE: -- to form, asked and answered.
 17 Q. (By Ms. McCann) Do you know the purpose of a
 18 ballot disposition report?
 19 A. I'm sure it's to make sure everything is, you
 20 know, checks and balances, but our coordinator I'm
 21 sure would do that.
 22 Q. Okay.
 23 A. And you could look, most counties don't have a
 24 coordinator, they do it all. So we have a coordinator
 25 paid to do this kind of stuff.

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1 Q. Okay. So in Sebastian County the coordinator
 2 would be responsible for filling out the ballot
 3 disposition?
 4 A. I don't know if you'd call it responsible,
 5 but, you know, that would be one of the jobs.
 6 Q. I can rephrase.
 7 And based on your experience Ms. Hassler or
 8 whoever the election coordinator is at the time
 9 typically fills out the ballot disposition report?
 10 A. I don't know if it's her or somebody on her
 11 team. She has a team of about five people.
 12 Q. Do you understand that the ballot disposition
 13 report is completed and submitted to the state board?
 14 MR. WHITE: Objection to form, lack of foundation.
 15 You answer, Ms. Gean.
 16 THE WITNESS: Do I understand? I understand that,
 17 yeah, I'm sure the form would be sent.
 18 Q. (By Ms. McCann) Do you know whether the ballot
 19 disposition report is required to be completed?
 20 A. I don't know. It says it's required, what you
 21 have in front of me.
 22 Q. Are you familiar with when the ballot
 23 dispos -- disposition report became a requirement in
 24 the state?
 25 A. No.

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1 Q. Okay. Do you know whether a ballot
 2 disposition report was sent in connection with the
 3 2022 general election?
 4 A. No, I don't know.
 5 Q. Have you discussed a ballot disposit --
 6 disposition report with the election coordinator, Ms.
 7 Hassler?
 8 A. No.
 9 Q. Do you know in what format the ballot
 10 disposition report is sent to the state board of
 11 election commissioners?
 12 A. No, I don't know. I'm not sure.
 13 Q. Okay. Can you describe generally what
 14 information a voter must provide when registering to
 15 vote in Arkansas?
 16 A. No, not without the stuff in front of me.
 17 Q. Do you know who that information is provided
 18 to?
 19 A. No.
 20 Q. Okay. Do you know how a voter would submit
 21 the information required for them to register to vote?
 22 A. No.
 23 Q. Okay. Do you know if a voter must present
 24 personal identifiable information in order to apply
 25 for an absentee ballot?

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1 A. I don't know.
 2 Q. Okay. I am going to show Exhibit 7
 3 MS. McCANN: And for Cara Ortiz, that is the
 4 document that ends in Bates stamp 3350. If you could
 5 please send that to counsel.
 6 MS. ORTIZ: I've just sent that to counsel.
 7 (Plaintiff's Exhibit Number 7 marked for
 8 identification purposes and made part of the
 9 record.)
 10 MS. McCANN: And just give me a moment, I will
 11 populate the screen.
 12 MR. WHITE: Counsel, I'd just like to know, can
 13 you give me a ballpark as to how much longer you have?
 14 We had one of these on Friday that went about half
 15 this long and I'm just wondering how much longer any
 16 more questions you have.
 17 MS. McCANN: I do not have that many more
 18 questions. I will say I have -- I do have a few more
 19 topics, but I don't think I'll anticipate another full
 20 hour. I will say -- I will say an hour but I don't
 21 know if it will take another full hour.
 22 MR. WHITE: Okay, thank you.
 23 MS. McCANN: That's as an estimate.
 24 Q. (By Ms. McCann) Okay. So this is the document
 25 that is titled, and this is Exhibit 7, it's titled

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1 Arkansas Application for Absentee Ballot. Can you see
 2 the document, Commissioner Gean?
 3 A. Yes.
 4 Q. Okay. Do you recognize this document?
 5 A. I've seen, I've seen something similar, not
 6 made out to the Pulaski County Clerk.
 7 Q. Okay. So you've seen a document similar to --
 8 A. Similar, uh-huh.
 9 Q. When you registered to vote did your
 10 application request similar information that's
 11 reflected here?
 12 A. Yes.
 13 Q. Okay. Is a voter required to provide their
 14 address when they register to vote?
 15 A. Yes. The court has to send them -- they'll
 16 have to send them the -- the ballot to vote on and all
 17 the information.
 18 Q. Okay.
 19 A. Yeah, so, I mean, you have to have your
 20 address.
 21 Q. Is a voter required to send their name,
 22 provide their name when registering to vote?
 23 A. Yes.
 24 Q. Okay. Are they required to provide their date
 25 of birth?

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1 A. Yes.
 2 Q. Okay. And does the information that they
 3 submit on the application for the absentee ballot have
 4 to match their voter registration?
 5 A. Correct.
 6 Q. Okay. And who matches the two documents?
 7 A. The commissioners, that's what we've talked
 8 about for three hours. The commissioners look at that
 9 going by the guidelines from -- and the rules and the
 10 laws from the state.
 11 Q. Okay. I'm going to turn back -- no, that's
 12 okay. I will stop sharing this exhibit. I don't have
 13 any further questions on this document.
 14 In your experience is it common for the
 15 commissioners to confer with the -- I'll rephrase.
 16 In your experience when you are canvassing an
 17 absentee ballot application is it common for yourself
 18 or other commissioners to consult anyone other than
 19 the co-commissioners or Daniel Shults?
 20 A. No. It's just -- we just decide as a group
 21 and if we have a question we'll call Daniel. But like
 22 I said, we haven't had -- I haven't had any situations
 23 come up, haven't been there long enough.
 24 Q. Have you ever consulted a commissioner from
 25 another county regarding canvassing absentee ballots

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1 in Sebastian County?

2 A. No.

3 Q. Okay. And when you say no, I'll just be

4 specific. Have you sought to consult with another

5 county commissioner from another county or you have

6 never reached out to --

7 A. No, I have never. I don't even know who they

8 are.

9 Q. Have you had any informal conversations with

10 commissioners from other counties regarding election

11 related business or county board related business?

12 A. No.

13 Q. Do you communicate at all with county

14 commissioners from other counties from -- for other --

15 A. No.

16 Q. -- reasons? Okay.

17 A. No.

18 Q. And are you aware of any of your

19 co-commissioners seeking advice from a commissioner

20 from another county regarding the election or

21 canvassing ballots?

22 A. I don't know.

23 Q. Does the county board receive any funding for

24 election related expenses?

25 A. I -- I assume, but I don't know the finance

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1 stuff.

2 Q. Do you know who would be providing that

3 funding?

4 A. I don't know. I'm sorry.

5 Q. Do you know how election related funding would

6 be allocated within the county board?

7 A. No, no. I know nothing about that.

8 Q. Okay. Okay. Do you know who is responsible

9 for requesting that funding, not yourself, but do you

10 know who is in charge of that process?

11 A. No. I'm sorry.

12 Q. Okay. Okay. I'm going to show you Exhibit 8.

13 And that is the document that is Bates stamped with an

14 ending of 18694. And Cara Ortiz, if you could please

15 send that to counsel. And I'll share my screen in

16 just a moment.

17 MS. ORTIZ: I've just sent that to counsel.

18 (Plaintiff's Exhibit Number 8 marked for

19 identification purposes and made part of the

20 record.)

21 Q. (By Ms. McCann) Okay. so this is a postage

22 sales receipt. Commissioner Gean, can you see the

23 document okay?

24 A. Uh-huh, I see it.

25 Q. Do you recognize this document?

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1 A. No.

2 Q. Okay.

3 A. No.

4 Q. Do you recognize -- can you read the date on

5 the document?

6 A. Yes, I see the date, uh-huh.

7 Q. Can you read the date for the record?

8 A. Oh, February 4th, 2021.

9 Q. Were you a commissioner on this date for

10 Sebastian County?

11 A. A commissioner, yes. Yeah.

12 Q. Do you understand -- I'll rephrase.

13 Is Ms. Hassler the election coordinator

14 responsible for purchasing the postage related stamps

15 or materials needed to send voters notification about

16 their ballots?

17 A. I don't know.

18 Q. Have you -- have you seen a postage sale

19 receipt in connection with election related expenses

20 before?

21 A. I don't recall.

22 Q. Do you know if there were any expenses related

23 to the most recent 2022 general election?

24 A. I don't know.

25 Q. Okay. Looking at this document, what do you

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1 understand the cost of \$228.50 to be?

2 A. I don't know.

3 MR. MOSLEY: Objection.

4 Q. (By Ms. McCann) Okay. Based on your

5 experience, is approximately \$228.50 a reasonable cost

6 for notifying voters of potential errors or

7 discrepancies related to their absentee ballot?

8 MR. MOSLEY: Objection.

9 THE WITNESS: I don't know.

10 Q. (By Ms. McCann) So I'll just rephrase the

11 question because I'm asking you for your opinion based

12 on your experience as a commissioner.

13 A. Uh-huh.

14 Q. In your opinion is \$228.50 a reasonable cost

15 for providing notice and cure to voters?

16 MR. MOSLEY: Objection.

17 THE WITNESS: If it's a fall election, yes, it's

18 very reasonable. I mean, it's sad to say, but, you

19 know, we might have 3,000 people show up, 2,000 people

20 show up to vote for, you know, something small. You

21 know, and you might have rejected, you know, our --

22 our provisional is 50 people. So yeah, I think that's

23 reasonable. I don't know the situation.

24 Q. (By Ms. McCann) Okay.

25 A. It depends on what the election was.

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<p>1 Q. Okay. I'm going to show Exhibit 9. And for</p> <p>2 Ortiz, that's the document marked ending in 18671. If</p> <p>3 you could please send that to defense counsel.</p> <p>4 MS. ORTIZ: I've just sent that over to defense</p> <p>5 counsel.</p> <p>6 MS. McCANN: Thank you.</p> <p>7 (Plaintiff's Exhibit Number 9 marked for</p> <p>8 identification purposes and made part of the</p> <p>9 record.)</p> <p>10 Q. (By Ms. McCann) Commissioner Gean, can you see</p> <p>11 the document shown on the screen?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Okay. And can you read the -- the top line of</p> <p>14 the document?</p> <p>15 A. Uh-huh. 2020. Uh-huh.</p> <p>16 Q. I -- I apologize. The top line, can you read</p> <p>17 for the record the top line where it says early</p> <p>18 voting, can you just read that top line?</p> <p>19 A. Yes. You mean the whole line?</p> <p>20 Q. Just the title of the document.</p> <p>21 A. Early Voting Worker Sign in Sheet, Election</p> <p>22 November 3rd, 2020, Sebastian County General</p> <p>23 Nonpartisan Runoff and Chief Special Election.</p> <p>24 Q. Okay, thank you.</p> <p>25 Have you seen an early voting worker sign in</p>	<p>1 reflected on the document, would you say -- would you</p> <p>2 say that it is reasonable for the county to pay</p> <p>3 volunteers or clerks for their work in ensuring that a</p> <p>4 voter has an opportunity to be notified and to cure</p> <p>5 their absentee ballot?</p> <p>6 MR. MOSLEY: Objection.</p> <p>7 MR. WHITE: Objection, form.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 Q. (By Ms. McCann) Do you know the cost of hiring</p> <p>10 personnel needed to process absentee ballots?</p> <p>11 A. No.</p> <p>12 Q. Okay. Do you know the cost of -- do you know</p> <p>13 the cost of any election related expense from the 2022</p> <p>14 general election?</p> <p>15 A. No.</p> <p>16 Q. Okay. Does the county hire absentee clerks</p> <p>17 for the period after each election day?</p> <p>18 A. After --</p> <p>19 THE REPORTER: I'm sorry, I didn't hear, I didn't</p> <p>20 hear the answer.</p> <p>21 MR. WHITE: Ms. Gean, sit back just a little bit.</p> <p>22 For some reason --</p> <p>23 THE WITNESS: Am I good? Is that fine?</p> <p>24 MR. WHITE: What was your answer? I didn't --</p> <p>25 THE WITNESS: I don't know. I don't know.</p>
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<p>1 sheet before?</p> <p>2 A. I don't think I've seen the sheet, no.</p> <p>3 Q. Okay. Okay. Have you seen this sheet, this</p> <p>4 document in particular, do you recognize it?</p> <p>5 A. No, because it was 2020.</p> <p>6 Q. Okay. What is the hourly rate that the county</p> <p>7 pays the volunteers or the clerks?</p> <p>8 A. I don't know.</p> <p>9 Q. But you do understand the volunteers or the</p> <p>10 clerks to be paid?</p> <p>11 A. Yes, they get paid but I don't know. I don't</p> <p>12 know. I don't -- I don't handle -- commissioners</p> <p>13 don't do that, not in our county.</p> <p>14 Q. Okay. So looking at this document, the total</p> <p>15 hours worked -- and I'll just scroll through here so</p> <p>16 you can see some of the other pages. Based on your</p> <p>17 knowledge of the clerks or the volunteers being paid</p> <p>18 for their early voting work or their election related</p> <p>19 work, in your opinion is the payroll expense provided</p> <p>20 to these workers reasonable for the process that they</p> <p>21 are involved in?</p> <p>22 MR. MOSLEY: Objection.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 Q. (By Ms. McCann) Okay. Based off of the number</p> <p>25 of hours worked that you see in a couple of the pages</p>	<p>1 Q. (By Ms. McCann) Okay. Is the cost of hiring</p> <p>2 personnel to process absentee ballots after election</p> <p>3 day more or less than the cost of hiring personnel to</p> <p>4 process absentee ballots during the early voting</p> <p>5 period as reflected on this document?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Do you know if the county hires clerks</p> <p>8 to assist with providing notice to voters whose</p> <p>9 ballots have been made provisional?</p> <p>10 A. I don't know.</p> <p>11 Q. Okay. Do you know whether commissioners,</p> <p>12 either yourself or your co-commissioners are provided</p> <p>13 with information related to election costs?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. So in your time as a commissioner you</p> <p>16 have never received information related to the cost of</p> <p>17 an election in Sebastian County?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay.</p> <p>20 A. I have not received -- no, the cost, no.</p> <p>21 Q. Okay. Okay.</p> <p>22 MS. McCANN: Counsel, I have no further questions</p> <p>23 I believe. So that is all on my end. I don't know if</p> <p>24 you would like an opportunity. Mr. --</p> <p>25 MR. MOSLEY: Pass.</p>

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1 MR. WHITE: I have no questions at this time.
 2 MR. MOSLEY: Ms. Gean, thank you for your time.
 3 We don't need to read and sign. Just push close or
 4 whatever it says to push there to end.
 5 THE WITNESS: Okay.
 6 MR. MOSLEY: Okay?
 7 THE WITNESS: Okay. Thank you.
 8 MR. MOSLEY: Yes. Have a good day.
 9 THE WITNESS: You too. Bye-bye.
 10 THE VIDEOGRAPHER: This concludes the deposition.
 11 We're going off the record. The time is approximately
 12 1:26 p.m.
 13 THE REPORTER: Counsel, this is the court
 14 reporter. Who needs a transcript? I just need to put
 15 it on the record.
 16 MR. WHITE: We need a transcript. This is Brooks
 17 White for the defendants. Did you hear me, Mr. Court
 18 Reporter?
 19 THE REPORTER: Yes, sir.
 20 MR. WHITE: Okay. Thank you.
 21 MS. ORTIZ: Plaintiffs' counsel also needs a
 22 transcript as well.
 23 MR. WHITE: I think Mr. Mosley signed off before
 24 you asked that question. On Friday he did not want a
 25 transcript. I'm assuming based on that that he

Page 175

1 probably does not, but you may want to confirm that.
 2 THE REPORTER: Yes, sir.
 3 (Deposition concluded at 1:27 p.m.)
 4 (Signature waived; witness excused.)
 5
 6 _____
 7 CARA GEAN
 8
 9 Subscribed and sworn to before me
 10 this ___ day of _____, 2022.
 11
 12 _____
 13 Notary public
 14
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Page 176

1 CERTIFICATE
 2
 3 STATE OF OKLAHOMA)
 4) SS:
 5 COUNTY OF OKLAHOMA)
 6
 7 I, David Buck, Certified Shorthand Reporter
 8 within and for the State of Oklahoma, do hereby
 9 certify that CARA LINDSEY GEAN was by me first duly
 10 sworn to testify the truth, the whole truth and
 11 nothing but the truth, in the case aforesaid; that the
 12 above and foregoing deposition was taken in shorthand
 13 and thereafter transcribed; that the same was taken on
 14 December 5th, 2022, in Oklahoma City, Oklahoma; that I
 15 am not an attorney for nor a relative of any said
 16 parties, or otherwise interested in said action.
 17 IN WITNESS WHEREOF, I have hereunto set my
 18 hand and official seal this 13th day of December,
 19 2022.
 20 *David Buck*
 21 David Buck, CSK #1585
 22
 23
 24
 25

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1 ERRATA SHEET
 2 VERITEXT/NEW YORK REPORTING, LLC
 3 CASE NAME: League Of Women Voters Of Arkansas Et Al. v. Thurston,
 John
 4 DATE OF DEPOSITION: 12/5/2022
 WITNESSES' NAME: Cara Gean
 5
 6 PAGE LINE(S) CHANGE REASON
 7
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 22 _____
 Cara Gean
 23 SUBSCRIBED AND SWORN TO BEFORE ME
 THIS ___ DAY OF _____, 20__.
 24
 25 _____ MY COMMISSION EXPIRES:

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

Exhibit 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETVILLE DIVISION

-----x

THE LEAGUE OF WOMEN VOTERS,
Plaintiff,

Case No.

v. 5:20-cv-05174-PKH

JOHN THURSTON, et al.,
Defendants.

-----x

10:00 a.m.
December 16, 2022

VIRTUAL DEPOSITION of FREDDIE HARRIS, a
Witness in the above entitled matter, pursuant to
Subpoena, before Stephen J. Moore, a Registered
Professional Reporter, Certified Realtime Reporter
and Notary Public of the State of New York.

Page 2

1 FREDDIE HARRIS
 2 A P P E A R A N C E S:
 3
 4 DEBEVOISE & PLIMPTON LLP
 5 Attorneys for Plaintiff
 6 919 Third Avenue
 7 New York, New York
 8
 9 BY: RACHEL M. TENNELL, ESQ.
 10 - and -
 11 HAROLD WILLIFORD, ESQ.
 12
 13 OFFICE OF THE ATTORNEY GENERAL OF ARKANSAS
 14 Attorneys for Defendants
 15 323 Center Street
 16 Little Rock, Arkansas 72201
 17
 18 BY: MATTHEW FORD, ESQ.
 19
 20 ALSO PRESENT:
 21
 22 ANU CHUGH
 23
 24
 25

Page 3

1 FREDDIE HARRIS
 2 EXAMINATION BY PAGE
 3 MS. TENNELL 8
 4 MR. FORD 127 15
 5 E X H I B I T S
 6
 7 Exbt 1 Subpoena 12 17
 8
 9 Exbt 2 Procedure manual for the 24 17
 10 Election Commissioners for the
 11 County Board for the State of
 12 Arkansas
 13
 14 Exbt 3 2022 County Board of 59 12
 15 Election Commissioners
 16 Training.
 17
 18 Exbt 4 Document entitled "2020 Poll 78 10
 19 Worker Training"
 20
 21 Exbt 5 Arkansas application for 84 5
 22 absentee ballot revised 9/2021
 23 EXBT 6 Document Bates stamped LWVAR 111 16
 24 0011006
 25 EXBT 7 Ballot disposition report 114 19

Page 4

1 FREDDIE HARRIS
 2 THE VIDEOGRAPHER: We are on
 3 the record at 9:10 a.m. Today is
 4 December 16, 2022. This is the
 5 video deposition of Freddie Harris
 6 in the matter of The League of Women
 7 Voters of Arkansas versus Thurston,
 8 et al., case number
 9 5:20-cv-05174-PKH, in the United
 10 States District Court for the
 11 Western District of Arkansas,
 12 Fayetteville Division.
 13 Counsel, please make a record
 14 of your appearance.
 15 MS. TENNELL: Good morning.
 16 My name is Rachel Tennell, and I am
 17 with Debevoise & Plimpton.
 18 I am joined by my colleagues
 19 Harold Williford and Anu Chugh, and
 20 just for the record, Anu Chugh is a
 21 law clerk.
 22 And we represent The League
 23 of Women Voters of Arkansas.
 24 MR. FORD: Matthew Ford. I
 25 am an Assistant Attorney General for

Page 5

1 FREDDIE HARRIS
 2 the Arkansas Attorney General's
 3 office. We represent the Defendants
 4 in this case.
 5 I did want to note one
 6 concern before we get started. In
 7 Arkansas, the County Commissioners
 8 are represented by the Prosecuting
 9 Attorney's office.
 10 As we sit here today, I see
 11 no representative of that office,
 12 and I have a little bit of a concern
 13 that the Plaintiffs intend on taking
 14 a deposition with an unrepresented
 15 party.
 16 So I did want to note that on
 17 the record.
 18 I have some major concerns
 19 with that, based on the fact that
 20 the county is represented, and that
 21 they have counsel. As to why that
 22 counsel is not here today, I cannot
 23 say.
 24 But I do want to note that
 25 for the record.

Page 6

1 FREDDIE HARRIS
 2 MS. TENNELL: I can respond
 3 on the record that Ms. Harris was
 4 notified and was allowed to have
 5 counsel present today, and I am not
 6 sure of the exact details of why Ms.
 7 Harris does not have counsel today,
 8 but she was informed and given that
 9 opportunity.
 10 MR. FORD: Okay, but
 11 Plaintiff's counsel is aware that
 12 they do have counsel, and so
 13 regardless of that, I think
 14 Plaintiff's counsel probably was
 15 under a duty to try to contact the
 16 lawyers, since they have knowledge
 17 that the county is represented by
 18 counsel.
 19 So, I'm not -- that's not my
 20 place to stand in, so I did want to
 21 note that, I have some major
 22 concerns with the moving forward of
 23 the deposition, but that's up to the
 24 Plaintiff's counsel.
 25 THE VIDEOGRAPHER: Thank you.

Page 7

1 FREDDIE HARRIS
 2 all. Will the reporter please swear
 3 the witness.
 4 MS. TENNELL: I just want to
 5 make one more note for the record.
 6 Thank you.
 7 A few weeks ago Ms. Harris
 8 did inform the Pope County Attorney,
 9 Jeff Philips, about the deposition
 10 today, and provided him a copy of
 11 the subpoena notice, and Mr. Philips
 12 did not indicate to Ms. Harris any
 13 intent to attend or defend this
 14 deposition today.
 15 So, the County Attorney of
 16 Pope County is aware that this
 17 deposition is occurring today and
 18 Ms. Harris has spoken to him as far
 19 as Plaintiff's counsel is aware.
 20 MR. FORD: Okay.
 21
 22 F R E D D I E H A R R I S, called as a
 23 witness, having been first duly sworn by
 24 the Notary Public, was examined and
 25 testified as follows:

Page 8

1 FREDDIE HARRIS
 2
 3 EXAMINATION BY
 4 MS. TENNELL:
 5
 6 Q All right, well, good
 7 morning, Ms. Harris.
 8 A Good morning.
 9 Q Thank you for being here
 10 today.
 11 Like I already said, my name
 12 is Rachel Tennell and I am with Debevoise &
 13 Plimpton, and I am joined by my colleagues
 14 on Zoom, Matthew and Anu, and together,
 15 along with the Lawyers' Committee on Civil
 16 Rights, we represent the League of Women
 17 Voters of Arkansas.
 18 So, to begin, can you just
 19 please state and spell your full name for
 20 the record?
 21 A Freddie Harris,
 22 F-r-e-d-d-i-e, H-a-r-r-i-s.
 23 Q Okay, thank you.
 24 So, I just want to be clear,
 25 before we get going here, that you are not a

Page 9

1 FREDDIE HARRIS
 2 party to this case, and the purpose of our
 3 deposition today is really to learn about
 4 Pope County's absentee voting process, the
 5 canvassing, et cetera, and just to give us a
 6 better understanding of what goes on in Pope
 7 County regarding absentee ballots.
 8 So, have you ever been
 9 deposed before?
 10 A I have, but it's been years,
 11 years ago, before Zoom and before any of
 12 this.
 13 Q Can you tell me a little bit
 14 about previous depositions that you were
 15 involved in?
 16 A Well, I really don't want to,
 17 but I will. It was a personal matter, like
 18 a divorce when you weren't married, a
 19 separation between two adults who decided
 20 not to go any further, one disagreed, we
 21 disagreed, so it was at that time.
 22 Q Okay, thank you.
 23 A Beyond 20 years ago.
 24 Q Okay, so I guess we will just
 25 refresh you a little bit, since it's been a

Page 10

1 FREDDIE HARRIS
 2 while, about some important points in this
 3 deposition just to keep in mind.
 4 A Okay.
 5 Q We can take a break whenever
 6 you want. I just ask that you don't ask for
 7 a break in between -- in the middle of a
 8 question being asked or answered.
 9 Once we are finished with the
 10 question being asked or answered, feel free
 11 to let me know that you need a break.
 12 I'll also try to just give us
 13 a break every hour, around every hour, if I
 14 can.
 15 And I will make sure to let
 16 you finish answering a question before I
 17 begin asking the next question.
 18 And I just ask that you let
 19 me finish asking the question before you
 20 start answering, if that's okay.
 21 A Okay.
 22 Q And that will make sure that
 23 our record is clear, for the court reporter.
 24 And so you will notice that
 25 he's on Zoom with us today, and the court

Page 11

1 FREDDIE HARRIS
 2 reporter will be writing down everything
 3 that is said in the room when we are on
 4 record for the duration of the deposition,
 5 just for recordkeeping purposes.
 6 And it's important to
 7 verbalize your yeses and nos, instead of
 8 just nodding, so that we have words for the
 9 transcript.
 10 Does that make sense?
 11 A Yes.
 12 Q And just to remind you that
 13 your testimony today is under oath and this
 14 testimony can be shown to a judge or a jury
 15 in this litigation.
 16 A Okay.
 17 Q All right. So do you recall
 18 receiving a subpoena to testify today?
 19 A Yes.
 20 MR. FORD: I apologize, can I
 21 do one thing real quick. At some
 22 point you are going to hear me say
 23 object to form. Ignore that.
 24 Inevitably every time the
 25 witness will look like what's going

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1 FREDDIE HARRIS
 2 on, so with just that little
 3 instruction, we can move on.
 4 I'll object, but just, you're
 5 going to hear it occasionally, so I
 6 just wanted to note that for the
 7 record.
 8 MS. TENNELL: Thank you,
 9 Mr. Ford.
 10 Mr. Court Reporter, I am
 11 going to pull the first exhibit
 12 which, is the Pope County
 13 Commissioner subpoena, and I'm going
 14 to hand one copy to the state and
 15 one copy to Ms. Harris.
 16 (The above described document was
 17 marked Exhibit 1 for identification as of
 18 this date.)
 19 Q And I'll keep one copy for
 20 the court reporter.
 21 So this is Exhibit 1. Do you
 22 recognize this document, Ms. Harris?
 23 A Well, if I get to number -- I
 24 guess I do. I mean, the one I received I
 25 think was a lot thicker than this, but --

Page 13

1 FREDDIE HARRIS
 2 Q Okay, so I will represent to
 3 you that this is a true and accurate copy of
 4 the subpoena that you were served on October
 5 18, 2022.
 6 Is this the subpoena that you
 7 received?
 8 A I think so, because this one
 9 is front and back, and the one I received
 10 was not front and back, so it would make it
 11 twice as thick, so yes; I will say yes.
 12 Q When did you first see it?
 13 A Date-wise, I can't tell you
 14 the date-wise, but it was during the middle
 15 of the last runoff election, so around the
 16 1st of November, give or take.
 17 Q Did you review it at that
 18 time?
 19 A I did.
 20 Q Other than Mr. Philips, the
 21 Pope County Attorney that you spoke to --
 22 did you speak to Mr. Philips?
 23 A Yes, I talked with him this
 24 week; and I sent him a couple of messages to
 25 say that it was going to happen here today,

Page 14

1 FREDDIE HARRIS
 2 because before it got cancelled, these dates
 3 on this subpoena are not going to be, you
 4 know, because the dates got changed.
 5 So yes, he is aware of this.
 6 Q And did he indicate that he
 7 intended to represent you today?
 8 A No. No. I mean no -- I mean
 9 I guess the answer is no, he's aware of this
 10 and we discussed this, but no.
 11 I didn't know whether he
 12 would be here or not.
 13 Q Did you ask him to represent
 14 you today?
 15 A Not really. I didn't realize
 16 I needed representation.
 17 Q And in your conversations
 18 with him, was it clear that he could show up
 19 today to represent you?
 20 A Well, before he was not going
 21 to be able to come because he was tied up in
 22 a large court case, as a prosecuting
 23 attorney.
 24 This week, I don't know his
 25 reasons for not being here today. I don't

Page 15

1 FREDDIE HARRIS
 2 know.
 3 Q But you did show him a copy
 4 of this subpoena?
 5 A Yes, yes, he has a copy of
 6 this.
 7 Q And was he aware of the date
 8 change that we had over e-mail?
 9 A Yes.
 10 Q Have you discussed this case
 11 with anyone besides Mr. Philips?
 12 A Yes.
 13 Q And who is that?
 14 A The County Clerk.
 15 Q Did you discuss any substance
 16 about this case with the County Clerk?
 17 A Absolute details, no.
 18 I mean, I'm a Commissioner
 19 and she's the County Clerk, so we definitely
 20 talked back and forth about the election
 21 stuff, so it's more general than it was
 22 specific.
 23 Q Do you inform the County
 24 Clerk that you were going to be testifying
 25 today in this case?

Page 16

1 FREDDIE HARRIS
 2 A I don't know if she knows
 3 about today. She knew about the other date,
 4 but I'm not -- I can't say because -- I
 5 can't say, to be honest, I can't. I'm under
 6 oath, I don't know.
 7 Q Okay, that is fair.
 8 We will just go over a little
 9 bit of background, then.
 10 A Okay.
 11 Q Do you live in Pope County?
 12 A I do.
 13 Q And are you a registered
 14 voter in Pope County?
 15 A I am.
 16 Q Have you lived anywhere else
 17 in your life besides Pope County?
 18 A Yes.
 19 Q Where have you lived?
 20 A The first 18 years of my life
 21 was in Lake Village, Arkansas, about ten
 22 years in Poplar Bluff, Missouri, and I have
 23 lived in Pope County for 50 years.
 24 Q And currently are you the
 25 Chair of the Pope County Board of Election

Page 17

1 FREDDIE HARRIS
 2 Commissioners?
 3 A I am.
 4 Q Have you always served as the
 5 Chair of the commission?
 6 A No.
 7 Q How long have you been the
 8 Chair?
 9 A Either three or four years.
 10 Q And were you elected as Chair
 11 by two members of the commission?
 12 A Yes.
 13 Q When was your last election
 14 to Chair?
 15 A Last week. November 8th I
 16 think was the voting date.
 17 A A runoff election, whenever
 18 that was, yes. The week before.
 19 Q And how are you appointed to
 20 the commission in general?
 21 A By the Republican Party of
 22 Pope County.
 23 Q Is that an elected position?
 24 A I am elected by the -- by the
 25 members of the Pope County Commission.

Page 18

1 FREDDIE HARRIS
 2 I mean the Pope County --
 3 Pope County Republican Party.
 4 Q And is being a Chair your
 5 full-time job?
 6 A It is a full-time job this
 7 year, but in the past it's been part-time.
 8 But it's -- no, it's not my full-time job.
 9 Q Okay, what's your other
 10 occupation besides being Chair?
 11 A I am proud to say I am a
 12 caregiver for a 94 year old retired person
 13 in this area.
 14 Q Okay, great.
 15 How long have you held that
 16 position, as a caregiver?
 17 A It will be three years in
 18 March.
 19 Q Okay. Were you Chair of the
 20 commission in 2020?
 21 A I think so.
 22 Q Were you Chair in 2018?
 23 A No. Well -- no. 2020 yes.
 24 2018 is the one I don't think so.
 25 Q Do you remember what your

Page 19

1 FREDDIE HARRIS
 2 position was in 2018?
 3 A I was a regular Commissioner.
 4 Q Okay.
 5 A I was on the commission, I
 6 just wasn't Chair.
 7 Q Okay.
 8 And so just to backtrack a
 9 little bit, the first year that you became
 10 Chair was 2019?
 11 A Well, I didn't keep a
 12 calendar on it, so I can't -- knowing kind
 13 of the rules, it will change, or everybody
 14 comes up for repositioning in January.
 15 So I'm going to say four
 16 years back from January is when I took over
 17 as Chairperson.
 18 Q Okay, got it.
 19 Have you ever served as Chair
 20 of the Board of Elections in any other
 21 county?
 22 A No, ma'am.
 23 Q Okay.
 24 Before you became Chair, did
 25 you hold any other positions in Pope County

Page 20

1 FREDDIE HARRIS
 2 on the Board of Elections?
 3 A Just as a Commissioner.
 4 Q Okay.
 5 Have you ever worked in
 6 elections in any other capacity in Pope
 7 County, besides being Chair and
 8 Commissioner?
 9 A What do you mean by that?
 10 Q For example, have you been a
 11 poll worker in Pope County, or an absentee
 12 ballot clerk?
 13 A Before -- the answer is yes,
 14 I was a poll worker off and on for several
 15 years, and working absentee ballots as a
 16 Commissioner, assisted in that area as well.
 17 Q Okay. To clarify, you were
 18 working in absentee ballots as the
 19 Commissioner or before you were the
 20 Commissioner?
 21 A No, after I was a
 22 Commissioner.
 23 Q Okay. Along with your duties
 24 as a Commissioner you worked absentee
 25 ballots, is that correct?

Page 21

1 FREDDIE HARRIS
 2 A Yes.
 3 Q Do you remember how many
 4 years you were a poll worker in Pope County
 5 before you joined the commission?
 6 A It was hit and miss, but it
 7 was probably the last 20, 25 years I've
 8 worked periodically on Saturdays or
 9 something like that as a poll worker.
 10 Q So a long time?
 11 A A long time.
 12 Back when they were books and
 13 before computers.
 14 Q Have you ever worked polls
 15 for early voting in Pope County?
 16 A That's when I worked, yes.
 17 Q And have you worked in
 18 elections in any other county besides Pope
 19 County?
 20 A No.
 21 Q Any other state besides
 22 Arkansas?
 23 A No.
 24 Q And what made you want to
 25 serve as a Chair in Pope County of the

Page 22

1 FREDDIE HARRIS
 2 Election Commission?
 3 A Well, I didn't necessarily
 4 want to do it, I just got voted in. There
 5 are only three of us, and the Republican
 6 Party is the major party.
 7 So, I got lucky and got
 8 elected. Anyway, but that's it.
 9 I didn't run for the office,
 10 let's put it that way.
 11 Q Okay.
 12 Do you enjoy serving as the
 13 Chair?
 14 A Sometimes.
 15 Q And what are times you don't
 16 enjoy serving as the Chair?
 17 A When -- well, as Chair of
 18 anything, or as Chairman of anything, or
 19 being at the, kind of the top level, every
 20 little thing that pops up I have to deal
 21 with.
 22 So -- and so that's always --
 23 you make one person happy, you make one
 24 person unhappy. So that's the part I don't
 25 like.

Page 23

1 FREDDIE HARRIS
 2 Q Right, I understand.
 3 Have you ever held a position
 4 on the State Board of Election Commission?
 5 A No.
 6 Q Okay.
 7 So let's talk a little bit
 8 about Pope County specifically.
 9 How many members are there on
 10 the Election Commission?
 11 A Three.
 12 Q Okay.
 13 And what are the names of the
 14 other two commissioners?
 15 A Nancy Rasmusson, Republican,
 16 Carol Shoptaw, Democrat.
 17 Q Can you please spell Nancy
 18 Rasmusson's last name?
 19 A I will try, I may be a little
 20 off. R-a-s-m-u-s-s-o-n, I believe, instead
 21 of e-n.
 22 I'm not sure.
 23 Q And can you please spell the
 24 Democratic Commissioner's name?
 25 A Shoptaw, S-h-o-p-t-a-w.

Page 24

1 FREDDIE HARRIS
 2 Q Okay, thank you.
 3 Do you recall how long each
 4 of them has served on the commission?
 5 A Miss Shoptaw was there when I
 6 came on board, and I've been on board about
 7 ten years, give or take.
 8 And then Nancy Rasmusson has
 9 come on last year.
 10 MS. TENNELL: Okay, Mr. Court
 11 Reporter, I am pulling for the
 12 record Exhibit 2, and I am going to
 13 pass one copy to the state and I am
 14 going to pass one copy to Ms.
 15 Harris.
 16 (The above described document was
 17 marked Exhibit 2 for identification as of
 18 this date.)
 19 Q Ms. Harris, do you recognize
 20 this document?
 21 A I do.
 22 Q Can you tell me what it is?
 23 A It's the procedure manual for
 24 the Election Commissioners for the County
 25 Board for the State of Arkansas.

Page 25

1 FREDDIE HARRIS
 2 Q If you look towards the
 3 bottom of this document, it has an edition
 4 for the year. What year was this edition?
 5 A 2022.
 6 Q Okay, thank you.
 7 So let's turn to page 13 of
 8 this document, which, for the record, there
 9 is a Bates stamp number in the bottom
 10 corner. It says DEFS, and then there is an
 11 underdash, and it's 066674.
 12 That's called a Bates stamp,
 13 Ms. Harris.
 14 So, for the record, this is a
 15 Bates stamp ending in 674. Do you see that
 16 page?
 17 A I do.
 18 Q Okay. And if you look at the
 19 section that is titled "Chair of County
 20 Board," it's the first paragraph that states
 21 that, "The County Board of Election
 22 Commissioners meets in an organizational
 23 meeting by February 28 in odd numbered years
 24 to elect one member to serve as Chair."
 25 Do you see that?

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1 FREDDIE HARRIS
 2 A I do.
 3 Q Who calls that meeting?
 4 A I guess I do, because I am
 5 the Chair at the time.
 6 Q How do you usually call the
 7 meeting?
 8 A We know we have to do this,
 9 so we come to meet and take a nomination
 10 from the other two, if one of them wants to
 11 be the Chairman, that's when we would roll
 12 it over.
 13 Q Okay.
 14 And then it also says at the
 15 bottom of this same section, "The Chair
 16 serves until a Board is elected by these
 17 representative county committees in January
 18 of odd numbered years and an organizational
 19 meeting is held. The Chair may serve
 20 successive terms."
 21 So, you were elected three or
 22 four years ago, you said?
 23 A Um-hum.
 24 Q Correct?
 25 A Um-hum.

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1 FREDDIE HARRIS
 2 Q And prior to February 28,
 3 2023, which is the odd numbered year, you
 4 would call a meeting to elect a new Chair,
 5 is that correct?
 6 A Well, first off, I have to be
 7 re-elected, re-selected from the committee
 8 and voted to serve in this capacity, and
 9 then I would call the meeting in order to
 10 establish a new Chairperson with the other
 11 two members.
 12 Q Okay.
 13 And if you were not
 14 re-selected in that instance, who would call
 15 the meeting?
 16 A Whoever -- I don't know.
 17 Well, if I am still there serving -- I don't
 18 know.
 19 Q All right. How do you and
 20 the other Commissioners usually communicate?
 21 A Every way, e-mail, pretty
 22 much e-mail, messaging, texting.
 23 Q And phone calls?
 24 A And some phone calls.
 25 Q Okay.

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1 FREDDIE HARRIS
 2 Do you e-mail and text
 3 individually, or do you e-mail with the
 4 clerk also on the e-mail?
 5 A Oh, if the clerk is involved
 6 in the conversation we include the clerk.
 7 If the clerk is not involved in the
 8 conversation, it's just us.
 9 Q I see, okay.
 10 So, let's talk about poll
 11 workers for a second.
 12 Who appoints poll workers?
 13 A The Democrat lady makes a
 14 list, the newest member makes a list, we
 15 come together with the list, we agree on the
 16 poll workers, and we submit them to the
 17 County Clerk.
 18 Q And how did that list get
 19 compiled?
 20 A From past workers list, we
 21 run an ad in the newspaper soliciting new
 22 poll workers if we need -- well, most of the
 23 time, if it's a large election definitely,
 24 we run an ad to solicit new poll workers.
 25 2020 was a very difficult

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1 FREDDIE HARRIS
 2 year to get poll workers.
 3 So, we do the best we can to
 4 find poll workers.
 5 Q I see.
 6 So you said that you have
 7 poll workers that served in previous years?
 8 A Correct.
 9 Q Do you ask them whether they
 10 would like to serve in that new year?
 11 A Yes.
 12 Q And then you submit their
 13 name to the clerk?
 14 A Yes, yes, yes.
 15 Q How far ahead in advance do
 16 you choose poll workers?
 17 A We start considering poll
 18 workers when we hear that there is going to
 19 be an election, and we keep records of
 20 anyone that's called and say that, you know,
 21 call the office and said that they were
 22 interested in being poll workers, and we
 23 sent invitations for them to come to
 24 training.
 25 Q Okay.

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1 FREDDIE HARRIS
 2 Can you tell me, I guess you
 3 just had an election in November, correct?
 4 A Correct, um-hum.
 5 Q Do you recall when those poll
 6 workers for that election were appointed?
 7 A We have to have them to --
 8 there is a schedule, there is a calendar put
 9 out, and we have to have them to the County
 10 Clerk's office where they have to be posted
 11 for the public to reject anyone that they
 12 see on the list or whatever. Whatever that
 13 deadline is, we always meet.
 14 Q I see.
 15 A And it's normally whatever
 16 the book says, so many days before an
 17 election.
 18 Q Okay. So you said that you
 19 had trouble in 2020 getting poll workers?
 20 A We did.
 21 Q Can you tell me about how
 22 many poll workers are assigned to each poll
 23 site?
 24 A On Election Day we need about
 25 80 people working.

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1 FREDDIE HARRIS
 2 We have seven different
 3 locations within our county. We are a vote
 4 center, so you can go anywhere and vote.
 5 Q And that is 80 people total
 6 on Election Day?
 7 A On Election Day.
 8 Q And they serve across seven
 9 election sites?
 10 A Um-hum, uh-hum.
 11 Q Okay.
 12 A Yes.
 13 Q Thank you.
 14 And each poll worker, are
 15 they affiliated with a specific party?
 16 A Yes.
 17 Q Is there a certain number of
 18 Republican poll workers that you would like
 19 to have and a certain number of Democratic
 20 poll workers that you would like to have?
 21 A That's correct.
 22 Q Can you tell me what the
 23 ratio of that is?
 24 A Republicans get one more than
 25 the Democrats in each polling site.

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1 FREDDIE HARRIS
 2 So if there are seven people,
 3 it's 4/3. If it's 11, it's 6/5. That's the
 4 way it works.
 5 Q I see, okay.
 6 Is that a rule?
 7 A Yes.
 8 Q And that rule comes from the
 9 state?
 10 A Yes. It's in one of these
 11 books, or all of these books.
 12 Q And how is the County
 13 Clerk appointed?
 14 A She's elected.
 15 Q And can you tell me a little
 16 bit about the duties of the County Clerk?
 17 A No. A lot is all I can say.
 18 No.
 19 Q Can you give me any examples
 20 of maybe what the County Clerk does?
 21 A As it relates to the Election
 22 Commission?
 23 Q Yes.
 24 A Only as it relates to the
 25 Election Commission.

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1 FREDDIE HARRIS
 2 Q Okay.
 3 A Because she has many duties.
 4 As far as the Election
 5 Commission, she's in charge of the voter
 6 registration and all the information there,
 7 and she's in charge of absentee ballots,
 8 applications and getting them back.
 9 Q Okay. And who is the current
 10 Pope County Clark?
 11 A Pam Ennis.
 12 Q How are absentee ballot
 13 clerks appointed?
 14 A The people that do the work,
 15 after we get the ballots back to the
 16 election.
 17 Q For the absentee ballots?
 18 A How are they -- what was the
 19 question again?
 20 Q How are the absentee ballot
 21 clerks appointed for the elections?
 22 A The absentee poll workers, I
 23 am going to call them those, by the name
 24 that I'm used to using, are selected from
 25 people, the poll workers, who have more

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1 FREDDIE HARRIS
 2 experience than others, and they go through
 3 a special training to do the absentee
 4 ballots.
 5 We do not use the newest poll
 6 workers to do absentee ballots is my point.
 7 We use experienced people
 8 that have -- that understand a little more
 9 better, and if they worked the election
 10 before and done absentee, we grade from
 11 that, too, whether or not we want to use
 12 them again in that capacity.
 13 Q I see.
 14 Okay, so if a new poll worker
 15 wanted to be an absentee ballot clerk, let's
 16 say, what would you do in that situation?
 17 A Well, we would talk to her
 18 and -- well, we just need to make sure that
 19 they are the types of people that can
 20 concentrate on what's happening with
 21 absentee ballots, because it's so different
 22 than the other.
 23 But yes, they need to be
 24 familiar with what a ballot looks like and,
 25 you know, just the verbiage.

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1 FREDDIE HARRIS
 2 So --
 3 Q How would you test, I guess,
 4 that person, if they were new, to determine
 5 if they would be a good person to work as an
 6 absentee ballot clerk?
 7 A Gosh. We live in a small
 8 area, we just know.
 9 They have to be able to
 10 follow instructions, because we have a
 11 supervisor that is going to be with them at
 12 all times, and they have to be able to
 13 follow procedure.
 14 Q Is there any kind of test for
 15 the absentee ballot clerks?
 16 A No.
 17 Q So, no test, but you have to
 18 be comfortable with them being able to
 19 follow instructions.
 20 A Yes.
 21 Q Okay.
 22 And can you tell me about how
 23 many absentee ballot clerks there are for
 24 Pope County?
 25 A No. Because it varies with

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1 FREDDIE HARRIS
 2 elections.
 3 Q In this last election that
 4 you had in November of this year, 2022, do
 5 you remember how many absentee ballot clerks
 6 there were?
 7 A We only had about 200
 8 absentee ballots, I think there were about
 9 either six or eight people.
 10 Q Okay. And had all six or
 11 eight people been poll workers before 2022?
 12 A Yes.
 13 Q Okay.
 14 A I do not believe there were
 15 any new people.
 16 Q No new people.
 17 Can you recall what the party
 18 makeup was of the poll workers for this last
 19 election?
 20 A Okay, say that again.
 21 Q Can you recall for this last
 22 election in 2022, in November, what was the
 23 party makeup of the absentee ballot clerks?
 24 A That's 50/50, with the
 25 supervisor is now -- doesn't count in that

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1 FREDDIE HARRIS
 2 50/50, and she has to be a Republican.
 3 But otherwise it's 50/50,
 4 there is a Democrat and a Republican.
 5 Q Got it.
 6 And then the supervisor, who
 7 is a Republican?
 8 A Correct.
 9 Q In addition.
 10 Can you tell me a little bit
 11 about the duties of an absentee ballot
 12 clerk?
 13 A The duties?
 14 Q Yes.
 15 A The duties, again, are to
 16 follow the instructions that's given to
 17 them, and now the duties that are involved
 18 as that -- well, let me stop right there.
 19 Ask me another question.
 20 Because that can be very
 21 wordy, is what I'm saying, I'm very wordy.
 22 You don't want to get me started on being so
 23 wordy, but the duties -- go ahead.
 24 Q I guess you said the duties
 25 that are involved they work on, I guess,

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1 FREDDIE HARRIS
 2 what are the duties of an absentee --
 3 A The process, the process, the
 4 process of doing absentee ballots.
 5 Q Can you describe that process
 6 a little bit for me?
 7 A I can. I can.
 8 Q Okay.
 9 A This is after we get the
 10 absentee ballots and the paperwork back from
 11 the City Clerk.
 12 We know we have so many
 13 ballots in big envelopes, and the first
 14 process is to -- the County Clerk's Office
 15 gives us a document of all the names and all
 16 the ballots we are receiving.
 17 And we check, the supervisor
 18 passes out so many to all the people, and
 19 the first thing you do is one person looks
 20 at the envelope, calls out the person's
 21 name, and the other person, I call it color
 22 coded, marks that person off as a ballot
 23 received, and that's a process, we do all
 24 that first.
 25 And then there is another

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1 FREDDIE HARRIS
 2 process of making sure that the outside of
 3 the envelope contains the application or
 4 whatever they tack on.
 5 I mean, there is something
 6 attached to that, but just make sure step by
 7 step that all of the paperwork is included
 8 before ever opening any envelope or anything
 9 like that.
 10 And so we make sure that we
 11 balance with the County Clerk before we
 12 proceed.
 13 Q Okay. And I just want to
 14 clarify one thing you said, when you
 15 started, you said you get a list from the
 16 City Clerk.
 17 Did you mean the County
 18 Clerk?
 19 A I meant the County Clerk. I
 20 used to be on the City Council, so I mean,
 21 but yes, the County Clerk, County Clerk, not
 22 City Clerk, County Clerk.
 23 Q Thank you, I just wanted to
 24 clarify that.
 25 Who is the current election

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1 FREDDIE HARRIS
 2 coordinator?
 3 A We don't really have a
 4 full-time -- we have a part-time person who
 5 is -- who works at the Election Commission,
 6 and her name is Jennifer Rylee.
 7 Q What does the election
 8 coordinator do?
 9 A She works with the computers,
 10 answers the phone, sends messages back out,
 11 stuff like that. During the busy seasons,
 12 during the election, she works with ES&S,
 13 the computer programmers.
 14 Q ES&S?
 15 A Um-hum.
 16 Q What does that stand for?
 17 A Election -- I don't know.
 18 They are the company that has all the
 19 hardware and software.
 20 Q Okay, let's go to page 14 of
 21 Exhibit 2, which is the manual that you have
 22 in front of you.
 23 This, for the record, is
 24 Bates stamp ending in 675.
 25 Okay, so on the top of this

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1 FREDDIE HARRIS
 2 page there is a section called
 3 Qualifications. Do you see that?
 4 A Um-hum.
 5 Q Okay.
 6 And then the fourth and fifth
 7 bullets under Qualifications, I'm just going
 8 to read it for the record.
 9 It says, it starts with, "To
 10 everybody who is on the County Board of
 11 Election Commissioners.
 12 "A Commissioner must," and
 13 the fourth bullet says, "Attend election
 14 training conducted by the State Board of
 15 Election Commissioners prior to a regularly
 16 scheduled preferential primary election,"
 17 and the fifth bullet says, "Attend
 18 additional interim training if deemed
 19 necessary and appropriate by the State
 20 Board."
 21 Are you familiar with those
 22 qualifications?
 23 A I am.
 24 Q Has that always been the
 25 case?

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1 FREDDIE HARRIS
 2 A I think so.
 3 Q Did you attend training in
 4 prior years?
 5 A Yes.
 6 Q Did you attend training in
 7 2020?
 8 A We did some Zoom. Most of
 9 the in-house meetings, it all went to Zoom.
 10 Yes, the answer is yes.
 11 Q Did you attend training in
 12 2018?
 13 A Yes. I have attended every
 14 year.
 15 Q Was 2018 training, was that
 16 in person?
 17 A Yes.
 18 Q Do you remember where it was?
 19 A Northwest Arkansas.
 20 Fayetteville.
 21 Q Who attends this training?
 22 A The three Commissioners.
 23 Q Does anyone else attend the
 24 training?
 25 A Not -- it depends on the

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1 FREDDIE HARRIS
 2 training. The girl that works there goes to
 3 a coordinator training as well. We all
 4 attend the trainings.
 5 Q The girl who works there, who
 6 is that?
 7 A Jennifer Rylee.
 8 Q I see, okay.
 9 Jennifer Rylee attends the
 10 training with the three Commissioners?
 11 A Um-hum.
 12 Q And is the state present at
 13 this training?
 14 A Yes.
 15 Q Does any other Commissioner
 16 of any other county in Arkansas attend the
 17 training as well?
 18 A Yes. Brooks.
 19 A Brooks Bull.
 20 Q Do you know about how many
 21 other counties are represented during this
 22 training session?
 23 A I don't know, I don't know;
 24 several.
 25 Q Did you attend training in

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1 FREDDIE HARRIS
 2 2022?
 3 A Yes.
 4 Q So, let's turn to page 19 of
 5 the same exhibit, Exhibit 2.
 6 And for the record, this is
 7 Bates stamp ending in 680.
 8 And the first section on this
 9 page is titled Notification.
 10 Do you see that?
 11 A Yes.
 12 Q It states, just for the
 13 record, that, "The Chair of the County Board
 14 of Election Commissioners must notify each
 15 member of the County Board of all meetings."
 16 Are you familiar with that?
 17 A Yes.
 18 Q And so you -- do you notify
 19 your other two Commissioners of each
 20 meeting?
 21 A Yes.
 22 Q How do you usually notify
 23 them?
 24 A E-mail.
 25 Q E-mail. Individually?

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1 FREDDIE HARRIS
 2 A And sometimes we set up a
 3 meeting from a meeting today, you know, like
 4 having a meeting sometimes, it's that way as
 5 well, but yes, yes.
 6 Q And you usually send them
 7 individual e-mails, or do you put both of
 8 them on the same e-mail schedule?
 9 A Well, that's the job of
 10 Jennifer Rylee, but I think I get a notice
 11 as well, I think she sends it on jointly.
 12 So we notify the press, et cetera, et
 13 cetera.
 14 Q So Jennifer Rylee really is
 15 in charge of setting up these meetings?
 16 A Um-hum.
 17 Q Okay.
 18 Let's go to the next section,
 19 which is titled Quorum. It says, "Two
 20 members of the County Board of Election
 21 Commissioners shall constitute a quorum."
 22 Are you familiar with that?
 23 A I am.
 24 Q And then the third section
 25 states Voting, and it says that, "Each

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1 FREDDIE HARRIS
 2 member of the County Board of Election
 3 Commissioners has one vote, and two
 4 concurring votes shall decide any questions
 5 before the County Board unless a unanimous
 6 vote is otherwise required by law."
 7 Are you familiar with this
 8 rule?
 9 A Yes.
 10 Q Do you and the other two
 11 Commissioners have any responsibilities over
 12 absentee ballots?
 13 A Say that again?
 14 Q Do you and the other two
 15 Commissioners, so the three of you total, do
 16 you have any responsibilities over absentee
 17 ballots?
 18 A I'm going to answer that as
 19 yes.
 20 Q And what are those
 21 responsibilities?
 22 A We just try to make sure that
 23 it's done in a proper manner, and then we do
 24 the provisional absentee ballots.
 25 Q Do all three Commissioners

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1 FREDDIE HARRIS
 2 need to be present during the review of
 3 absentee ballots?
 4 A Yes.
 5 Q Is there ever a time when not
 6 all three Commissioners are present when you
 7 are reviewing absentee ballots?
 8 A Well, when you say reviewing,
 9 if you're talking about the processing, the
 10 opening of the envelopes, we come and go
 11 from that process.
 12 But when it comes to the
 13 provisional absentee ballots, we are all
 14 present.
 15 Q Okay.
 16 So, just to clarify, one of
 17 you might be present during the initial
 18 process when you're opening the outer
 19 envelope of the absentee ballot and calling
 20 out the names, like you were describing
 21 earlier.
 22 A Yes.
 23 Q But when it comes to any
 24 provisional absentee ballots, all three of
 25 you are present, correct?

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1 FREDDIE HARRIS
 2 A That is correct.
 3 Q And who is in the room other
 4 than you three Commissioners when you are
 5 reviewing absentee ballots?
 6 A When we are doing the
 7 provisional, it's open to the public.
 8 Q And how are those -- you said
 9 you put a notice in the newspaper?
 10 A Um-hum, yes.
 11 Q Are those meetings where the
 12 three of you are reviewing absentee ballots,
 13 are those livestreamed?
 14 A No.
 15 Q How else do you notify the
 16 public?
 17 A How do we notify the public?
 18 Q Besides the newspaper?
 19 A That's the only way, I think.
 20 Q Okay.
 21 Q And do the three
 22 Commissioners vote to decide whether to
 23 count absentee ballots?
 24 A The regular absentee ballots?
 25 Q Yes.

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1 FREDDIE HARRIS
 2 A No.
 3 Q I guess what about the
 4 non-regular absentee ballots?
 5 A Those are what we call
 6 provisional. If there is a question with
 7 them, then we review them, and all three of
 8 us vote on those.
 9 Q And is it a unanimous vote
 10 that you decide whether to count a
 11 provisional absentee ballot?
 12 A Well, I would say that -- no,
 13 if two members of the Board say count it,
 14 it's counted.
 15 Q Okay.
 16 And is there a specific
 17 makeup of the two members that have to
 18 agree?
 19 For example, is it you and
 20 another Republican, is it you and another
 21 Democrat?
 22 A That's never been discussed.
 23 Q Okay.
 24 Any two Commissioners?
 25 A Any two Commissioners, it's

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1 FREDDIE HARRIS
 2 just -- yes.
 3 Q Can make a majority vote?
 4 A Um-hum.
 5 Q Thank you.
 6 So what happens if, during
 7 the review of a provisional absentee ballot,
 8 what happens if one of the Commissioners
 9 can't be there?
 10 A We don't have that meeting.
 11 Q You reschedule the meeting?
 12 A All three people have to be
 13 present when we are doing provisionals.
 14 Q And all three people have to
 15 be present in person?
 16 A Um-hum; yes.
 17 Q So one person can't be
 18 present over the phone?
 19 A Never has occurred.
 20 Q And one person can't be
 21 present over Zoom?
 22 A Never has occurred.
 23 Q Never has occurred, all three
 24 have been in person?
 25 A So far, we are all in person.

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1 FREDDIE HARRIS
 2 Q And that's in both the 2018
 3 election that you can recall and the 2020
 4 election?
 5 A Yes.
 6 Q And just this past year,
 7 2022?
 8 A Yes.
 9 Q Okay.
 10 Have there been disagreements
 11 that you can recall between the
 12 Commissioners regarding whether to count an
 13 absentee ballot?
 14 A Well, I can recall maybe once
 15 or twice. It was not a disagreement, it's
 16 just discussion and -- it's not that often.
 17 Not anything that stands out
 18 and grabs me, so --
 19 Q You can recall once or twice
 20 in your time as Chair, or just in the past
 21 election?
 22 A In the past elections.
 23 Well, let me just stick with
 24 Chair. Since I've been Chair I can recall
 25 maybe two instances where we had differences

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1 FREDDIE HARRIS
 2 of opinion on whether or not to count the
 3 vote.
 4 Q Can you tell me a little bit
 5 about that circumstance?
 6 A Now are we talking about
 7 provisionals or are we talking about
 8 absentee?
 9 Q We are talking about absentee
 10 ballots that you said are provisional and
 11 you have to vote whether to count them or
 12 not.
 13 A I don't think we have ever
 14 disagreed with that area.
 15 Q Okay.
 16 So when it comes to voting on
 17 whether to count a provisional absentee
 18 ballot, you are saying that you have never
 19 disagreed with the other Commissioners on
 20 whether to count them?
 21 A No, we discuss things and
 22 then we vote. So after we discuss it, we
 23 have voted unanimously one way or the other.
 24 Q Okay. Was there a time maybe
 25 where it was a close call that you can

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1 FREDDIE HARRIS
 2 remember?
 3 A On absentee, no. On absentee
 4 provisionals, because everything is there in
 5 black and white, you know, we have
 6 documents, we have papers to look at. So,
 7 no; I don't think so.
 8 Q What are the times that you
 9 are thinking about that are not absentee
 10 provisionals?
 11 A Okay, in regular provisionals
 12 one that stands out the most is a lady had
 13 to vote provisional.
 14 She clearly stated she had
 15 two homes, she lived here and she had
 16 another place in Louisiana.
 17 She spent most of her time in
 18 Louisiana, but she had a son up here going
 19 to Arkansas Tech, but she still registered
 20 to vote here, but most of her time there,
 21 she voted provisional, and it was just
 22 visionally whether or not she could vote in
 23 both places.
 24 And in that case we ended up
 25 saying she could vote here because she was

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1 FREDDIE HARRIS
 2 not registered to vote in Louisiana, she did
 3 still have a home here and her son lived
 4 here and they came back and forth.
 5 So in that case, after much
 6 discussion, we decided she was honest about
 7 she had done it, it was just one of those
 8 things that she was still registered here.
 9 Even though it's one of those
 10 Entergy families and they were down there,
 11 so they had a home there and a home here,
 12 and eventually they were going to come back
 13 here to live.
 14 So I mean, it's just one of
 15 those things you discuss and discuss and
 16 discuss, and she ended up, her vote counted.
 17 Q What was the other
 18 circumstance?
 19 A In provisional, regular
 20 provisional, oh, when they state that I
 21 really live in Yale County, which is just
 22 right across the river, and -- but my
 23 address is my son's address, who lives out
 24 here on the street, and I use his address
 25 and I'm registered to vote here because I am

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1 FREDDIE HARRIS
 2 on his insurance plan. Her vote didn't
 3 count.
 4 Q So you're saying she was
 5 registered in Yale County?
 6 No, she wasn't registered in
 7 Yale County but she lived in Yale County.
 8 Q So she was registered in Pope
 9 County?
 10 A Yes.
 11 Q She lived in Yale County?
 12 A Um-hum.
 13 Q And it was a decision about
 14 whether to count her provisional ballot?
 15 A Um-hum.
 16 Q And because she lived in Yale
 17 County but was registered in Pope County,
 18 you said you are not going to count her
 19 ballot?
 20 A She needs to vote there, she
 21 needs to vote in Yale County.
 22 Q How did you know she lived in
 23 Yale County?
 24 A She told us.
 25 Q How did she tell you?

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1 FREDDIE HARRIS
 2 A Well, she came in to vote.
 3 This was not an absentee. She came in to
 4 vote at the tablet and -- but, you know, she
 5 said I've always voted in Pope County, but I
 6 live in Yale County, but I use my son's
 7 address, who lives out here, because I'm on
 8 his insurance plan.
 9 Too much information. So you
 10 need to vote in Yale County.
 11 Q I see.
 12 Do you recall, was that on
 13 Election Day?
 14 A No, early voting.
 15 Q So you said between six and
 16 eight absentee ballot clerks usually work on
 17 the absentee ballots.
 18 Can any other poll workers
 19 besides those 6 and 8 people, can those poll
 20 workers also help out with absentee ballots?
 21 A No. Un-hunh.
 22 Q And just so I know, where do
 23 you usually review the absentee ballots, do
 24 you usually review them in one location?
 25 A Depends on the volume. If

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1 FREDDIE HARRIS
 2 it's ten, we can do it at our headquarters.
 3 But in the major elections we
 4 use the courthouse. They give us a room,
 5 and then the bulk of those ballots never
 6 have to leave the courthouse location, it's
 7 just moved from the County Clerk's office
 8 into the courtroom that we use, to set up
 9 tables for the workers to work.
 10 Q I see.
 11 So in the 2020 election, do
 12 you remember where the absentee ballots were
 13 reviewed?
 14 A At the courthouse.
 15 Q And in the 2018 election do
 16 you recall where they were reviewed?
 17 A Probably at the courthouse.
 18 Q And for this past election in
 19 2022?
 20 A At the courthouse.
 21 Q At the courthouse, okay.
 22 So let's turn to page 28 of
 23 Exhibit 2, which is right in front of you.
 24 MS. TENNELL: For the record,
 25 this is Bates stamp ending in 689.

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1 FREDDIE HARRIS
 2 Q Towards, kind of
 3 three-quarters of the way down, there is a
 4 section titled Training.
 5 Do you see that?
 6 A Um-hum, yes.
 7 Q And so this section on
 8 training, it starts here, and then it goes
 9 to page 30, kind of halfway through the
 10 page, right before the section titled
 11 Candidates.
 12 And just go ahead and take a
 13 look at this section on training and just
 14 let me know when you are done.
 15 A I am done.
 16 Q Okay.
 17 So page 28, it says Mandatory
 18 State-Wide. Do you see that?
 19 A Yes.
 20 Q And then the first paragraph
 21 reads, "The state Board of Election
 22 Commissioners is required to train and test
 23 County Election Commissioners and County
 24 Election Coordinators and coordinate
 25 training for poll workers and County Clerks

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1 FREDDIE HARRIS
 2 or the County Clerk's designee before every
 3 preferential primary election."
 4 Are you familiar with that
 5 rule that I just read?
 6 A Yes.
 7 Q All right.
 8 MS. TENNELL: Mr. Court
 9 Reporter, I am going to introduce
 10 Exhibit 3 for the record.
 11 (The above described document was
 12 marked Exhibit 3 for identification as of
 13 this date.)
 14 MS. TENNELL: I am going to
 15 pass one copy to the state, and I am
 16 going to pass one copy to the
 17 witness, Ms. Harris.
 18 I will represent for the
 19 record that this is titled 2022
 20 County Board of Election
 21 Commissioners Training.
 22 Q Ms. Harris, do you recognize
 23 this document?
 24 A I do.
 25 Q Can you tell me what it is?

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1 FREDDIE HARRIS
 2 A It's the -- it's for
 3 Commissioner training. It's what we -- this
 4 is what we go by.
 5 Ours is in color, this is in
 6 black and gray, white and gray, but no, I'm
 7 familiar with this.
 8 Q Was this document provided to
 9 you by the state?
 10 A Yes.
 11 Q Did they send it to you via
 12 e-mail or was it through the regular postage
 13 mail, do you remember?
 14 A Well, I'm not sure how we got
 15 them, but we have it, we could have gotten
 16 it when we went to the meeting.
 17 And I'm inclined to say we
 18 got this when we went to the meeting.
 19 But we did get some stuff
 20 through the mail as well, so -- but I think
 21 this one came from our training.
 22 Q From the in person training?
 23 A Um-hum.
 24 Um-hum means yes in Arkansas,
 25 yes.

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1 FREDDIE HARRIS
 2 Q Thank you.
 3 Do you share this with the
 4 other two Commissioners, or do they also
 5 receive their own copy?
 6 A They receive their own copy.
 7 Q Okay.
 8 All right, so you said you
 9 were trained in 2022 by the state?
 10 A Yes.
 11 Q And you received this packet
 12 during that training, is that correct?
 13 A Yes.
 14 Q And how many days was that
 15 training in 2022?
 16 A It was a one day.
 17 Q Do you remember how long it
 18 was that day?
 19 A All day. Like 9:00 to 3:00
 20 or 4:00.
 21 Q Got it.
 22 Do you remember if the
 23 training in 2022 was different than the
 24 training in let's say 2020?
 25 A Well, different in what way?

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1 FREDDIE HARRIS
 2 New information, for sure,
 3 but I don't know what you mean by different.
 4 Q Was -- were there any
 5 procedures that were added in 2022 that were
 6 not there in 2020?
 7 A That's hard for me to answer,
 8 I don't recall. I don't think so. I mean
 9 anything new they cover.
 10 Q Does anything stand out to
 11 you that was added?
 12 A Maybe the more detail on
 13 absentee voting and the handwriting part.
 14 But -- nothing really stands
 15 out.
 16 Q Do you recall what the detail
 17 was on absentee voting and handwriting?
 18 A I know they spent a lot
 19 longer time, and we have done some Zoom
 20 meetings, too, so I may be getting them
 21 merged together, but a lot of emphasis this
 22 year was put on the absentee ballots,
 23 because of the 2020 disruptions regarding
 24 absentee ballots.
 25 Q I see.

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1 FREDDIE HARRIS
 2 Okay. So in 2022 they
 3 focused more on absentee ballots?
 4 A Yes.
 5 Q And handwriting specifically?
 6 A Yes.
 7 Q Than they did in 2020?
 8 A Yes.
 9 Q So in 2020 do you recall
 10 around how much time they spent on absentee
 11 ballots and handwriting in the training?
 12 A I do not recall.
 13 I just know that this year
 14 there was a lot more emphasis and time and
 15 discussion in general on absentee ballots.
 16 Q I see.
 17 Do you recall in 2018 how
 18 much time they spent on the absentee ballots
 19 and handwriting?
 20 MR. FORD: I object to form.
 21 A No, I don't recall.
 22 Q How are you usually notified
 23 about the trainings?
 24 A We get a lot of e-mails from
 25 the State Board.

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1 FREDDIE HARRIS
 2 Q And are the trainings
 3 mandatory?
 4 A Well, to be a Commissioner
 5 you need to be like a certified
 6 Commissioner, to be a trainer you have to be
 7 certified. It's mandatory to that degree,
 8 yes.
 9 Q Okay. And can you just give
 10 me a ballpark of how many trainings you have
 11 attended by that date during your time as
 12 Commissioner in general?
 13 A Let me say I go to probably
 14 three or four meetings a year.
 15 MS. TENNELL: Okay, well, I
 16 think this is a good time for us to
 17 take a break. So why don't we take
 18 ten minutes, if that's okay with
 19 you.
 20 THE VIDEOGRAPHER: We are off
 21 the record at 10:15.
 22 (At this point in the proceedings
 23 there was a recess, after which the
 24 deposition continued as follows:)
 25 THE VIDEOGRAPHER: We are

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1 FREDDIE HARRIS
 2 back on the record at 10:26.
 3 MS. TENNELL: Okay, all
 4 right, thank you. We are back on.
 5 Q So can I ask just little
 6 details about when Commissioners are
 7 reviewing absentee ballots.
 8 You said that two
 9 Commissioners have to vote to count an
 10 absentee ballot?
 11 A No, I said provisional
 12 absentee ballots. The Commissioners do not
 13 touch the regular absentee ballots.
 14 Q So in the case where the
 15 Commissioners are reviewing absentee ballots
 16 that have been set aside, do you have to
 17 have two Commissioners vote to decide those
 18 absentee ballots?
 19 MR. FORD: Objection to form.
 20 A Yes. The question was when
 21 we were doing the provisional absentee
 22 ballots did it require two people to make
 23 that decision as to count or not count, was
 24 that the question?
 25 Q So the question was, when you

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1 FREDDIE HARRIS
2 Commissioners are reviewing absentee ballots
3 that have been set aside, do two
4 Commissioners have to vote to count those
5 absentee ballots?
6 A At least all three vote and
7 there has to be two that agree.
8 MR. FORD: I object to form.
9 Q So in the case where there is
10 an absentee ballot that the Commissioners
11 are reviewing and there is a discrepancy
12 because the address on the absentee
13 application and the voter's statement
14 doesn't match, do -- how many Commissioners
15 have to vote to count that absentee blot?
16 MR. FORD: I object to form.
17 THE WITNESS: Do I answer
18 when you object?
19 MR. FORD: Yes, any time I
20 object you still answer.
21 THE WITNESS: Just ignore
22 you?
23 MR. FORD: Pretend I'm not
24 here.
25 A Two people have to agree, two

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1 FREDDIE HARRIS
2 Commissioners have to agree.
3 Q When you are reviewing an
4 absentee application and a voter statement
5 that has a name that might not match between
6 the application and the voter statement, how
7 many Commissioners vote to count the
8 absentee ballot?
9 MR. FORD: I object to form.
10 A Well, all three are present,
11 but two of them have to agree. Two have to
12 say vote, count it. So, two; always two, at
13 least two.
14 Q And is that the case for
15 signatures?
16 A That's the case in all cases
17 if it's provisional absentee.
18 MR. FORD: I object to form.
19 Q Can you tell me the
20 difference between a provisional absentee
21 ballot and an absentee ballot?
22 A Well, the difference can
23 vary. It can be a signature, it can be
24 where they fail to fill out the forms
25 correctly, it can be where the barrier,

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1 FREDDIE HARRIS
2 meaning someone else got the ballot form and
3 returned them, maybe it wasn't returned by
4 that barrier.
5 There are lots of little
6 reasons as to why, there are numerous
7 reasons, not a lot, there are numerous
8 reasons why they are kicked out for the
9 Commissioners to look at.
10 Q Can you tell me about the
11 signature comparison process when you are
12 reviewing signatures on an absentee
13 application and a voter statement?
14 Can you tell me a little bit
15 about that comparison process?
16 A Can you be more specific?
17 Because -- because, in training and looking
18 at stuff and looking at the ballots, in my
19 years of signatures and doing all that,
20 there has only been one we have rejected
21 that I am aware of, and I have been in all
22 the meetings.
23 So there is one, and that was
24 this year, when the person returned with a
25 printed name instead of a signature.

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1 FREDDIE HARRIS
2 Q Okay.
3 A And so there was not a
4 signature that you could compare it to,
5 because it was a printed name, and
6 everything else was written.
7 Whether -- well, we can't
8 make that decision, but we couldn't count it
9 because the print, it didn't match, it just
10 flat didn't match.
11 Otherwise, you know, we
12 really -- I will stop right there.
13 Q Was the printed name on the
14 absentee application?
15 A No, it was only -- no, it was
16 all written, except on that form, the voter
17 statement, not the voter application, the
18 voter statement, they printed instead of
19 handwriting.
20 Q To clarify, they printed
21 their name on the voter statement and signed
22 their name on the absentee application?
23 A Correct.
24 Q And that -- in that
25 circumstance would you count that absentee

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1 FREDDIE HARRIS
 2 ballot?
 3 A No, we did not.
 4 Q And in the circumstance that
 5 an address on a voter statement doesn't
 6 match what's on an absentee application,
 7 would you count the absentee ballot?
 8 MR. FORD: I object to form.
 9 A That hasn't come before us,
 10 so the people, and they are not here, but
 11 the workers and the supervisor working with
 12 them, that hasn't come before us where we
 13 have had an address issue.
 14 Q In the case where a name on a
 15 voter statement doesn't match what's on an
 16 application for absentee ballot, would you
 17 count that absentee ballot?
 18 MR. FORD: I object to form.
 19 A I got distracted. Would
 20 you --
 21 Q I can repeat the question.
 22 A Yes, please, okay.
 23 Q In the case that a voter's
 24 name on a voter statement does not match
 25 what's on their application for an absentee

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1 FREDDIE HARRIS
 2 ballot, would you count the absentee blot?
 3 MR. FORD: I object to form.
 4 A Well, if it's not kicked into
 5 provisional, I would not see those.
 6 So, we Commissioners would
 7 not make that decision.
 8 Those are the poll workers
 9 and the supervisor making those decisions.
 10 So, for me to answer that 100
 11 percent, I just don't want to do that,
 12 because I really don't know 100 percent.
 13 Q Okay, in the case that the
 14 poll workers decided the names on the voter
 15 statement and the application for an
 16 absentee ballot don't match and the ballot
 17 is then reviewed by the Commissioners, would
 18 the Commissioners determine whether to count
 19 that absentee ballot?
 20 MR. FORD: I object to form.
 21 A Is this still about the
 22 address?
 23 The address needs to match.
 24 I mean, all the forms need to -- all of
 25 those forms need to come back the same way

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1 FREDDIE HARRIS
 2 they requested it.
 3 Q What about the name?
 4 A The name as well, the name
 5 needs to be -- we are allowed for nicknames
 6 and stuff like that, but the name needs to
 7 be somewhat the same name.
 8 Q How would you characterize a
 9 nickname?
 10 A A nickname can be Bob versus
 11 William or whatever those name -- Bill
 12 versus or Junior or something.
 13 The most common sense type
 14 stuff. Billy Bob versus William.
 15 I mean, those kinds of things
 16 where it is the same person and they submit
 17 it under William and signed it under initial
 18 or something.
 19 You can tell. I mean, you
 20 know, it's common sense, so much of it is
 21 common sense, as part of picking the wisest
 22 people to look at this and evaluate it
 23 without any kind of prejudice or anything,
 24 we don't know, but anyway.
 25 Q So in the case that a voter,

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1 FREDDIE HARRIS
 2 let's say William.
 3 A Um-hum.
 4 Q And let's say his name is
 5 William Smith.
 6 A Um-hum.
 7 Q He signed his name William
 8 Smith on the absentee application and signed
 9 his name WS on the voter statement.
 10 Would that compare enough to
 11 count his absentee ballot?
 12 MR. FORD: I object to form.
 13 A If all the information is
 14 there, his birth date is right, he's
 15 included photo ID and all this information,
 16 because you are looking at it, and if his
 17 other things, like when he applied, if his
 18 name was William S something or William
 19 Smith -- I don't remember what would go with
 20 William, it comes back and it's got his
 21 address right and his birthday right and
 22 blah, blah, blah, all that stuff, I would
 23 say they should probably count it.
 24 I'm saying should, because
 25 like I said, I'm not making those decisions

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1 FREDDIE HARRIS
 2 one by one.
 3 We only get the provisional
 4 ones.
 5 Q Let me give you another
 6 example.
 7 A Okay.
 8 Q We talked about address.
 9 A Um-hum.
 10 Q In the case that this voter,
 11 William Smith, signed his address as 123
 12 Main Street, Russellville, Arkansas, and put
 13 his zip code on the absentee application and
 14 on the voter statement his address was the
 15 same except for the zip code was off by one
 16 digit at the end than what was on the
 17 application.
 18 Would that compare to count
 19 his absentee application?
 20 A I'm going to say in Pope
 21 County, Arkansas those poll workers would
 22 count that.
 23 MR. FORD: I object to form.
 24 Q In the case --
 25 A I'm not there doing it, but I

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1 FREDDIE HARRIS
 2 would just say that the instructions given
 3 to them, that's not enough to deny an
 4 absentee ballot, in my opinion.
 5 Q So the case that the
 6 Commissioners were reviewing that ballot,
 7 would the Commissioners vote to count the
 8 absentee ballot?
 9 A We would look at all the
 10 documentation and make a reasonable
 11 decision, and it would probably be count
 12 that ballot, because everything else was
 13 there.
 14 So a zip code is not
 15 absolute, so that's not reason to deny. I
 16 don't think that's anywhere in the training,
 17 you deny on a zip code.
 18 Q And in the case that William
 19 Smith, let's just keep the same voter, his
 20 date of birth was 2/21/1980 on the
 21 application for absentee ballot, but on the
 22 voter statement his date of birth was
 23 2/21/2022.
 24 Would the Commissioners count
 25 that absentee blot?

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1 FREDDIE HARRIS
 2 MR. FORD: I object to form.
 3 A Boy, that's a tough one,
 4 because we have encountered that. The
 5 birthday needs to be exact, because someone
 6 else could, I mean, that one is -- that one
 7 would require discussion and the vote of two
 8 people.
 9 Q If you were reviewing a
 10 ballot under that circumstance, would you
 11 accept that absentee ballot and count it, or
 12 would you reject it?
 13 MR. FORD: I object to form.
 14 A I don't know, I would have to
 15 look at all the information. That's not an
 16 exact -- I don't know.
 17 Q But you have seen that
 18 circumstance?
 19 A I have seen that
 20 circumstance.
 21 Q And when you have encountered
 22 that circumstance, have you counted the
 23 absentee ballot or rejected it?
 24 A I can't answer that question,
 25 I don't recall.

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1 FREDDIE HARRIS
 2 MR. FORD: I object to form.
 3 Q How common would you say that
 4 circumstance is?
 5 A Not -- not very common.
 6 Q Did you see it in the 2022
 7 election?
 8 A We only had four or five
 9 kicked over for us to review in the last
 10 election, so it was just really not --
 11 everything else was processed before it
 12 got -- the Commissioners only looked at four
 13 or five.
 14 Q And in the 2020 election did
 15 you encounter that circumstance?
 16 A That was a long time ago, and
 17 I don't recall. We had a huge volume in
 18 2020. Totally different circumstance.
 19 Q Do you recall how many
 20 absentee ballots the Commissioners reviewed
 21 in 2020?
 22 A I can say the County Clerk
 23 received over 2,000. So we processed over
 24 2,000. How many got kicked over to
 25 provisional, I don't remember.

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1 FREDDIE HARRIS
 2 Never thought about it, we
 3 just do it.
 4 MS. TENNELL: Mr. Court
 5 Reporter, I am introducing Exhibit 4
 6 into the record.
 7 I am handing one copy to the
 8 state, one copy to Ms. Harris.
 9 (The above described document was
 10 marked Exhibit 4 for identification as of
 11 this date.)
 12 MS. TENNELL: And I will
 13 represent for the record that this
 14 is titled 2020 Poll Worker Training.
 15 Q Ms. Harris, do you recognize
 16 this document?
 17 A I do.
 18 Q Can you tell me what this
 19 document is?
 20 A It's a poll worker training
 21 manual.
 22 Q Are poll workers trained?
 23 A Yes.
 24 Q How are poll workers trained?
 25 A They come to a training put

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1 FREDDIE HARRIS
 2 on by the commission with a Commissioner
 3 doing the training.
 4 Q And who was the Commissioner
 5 who conducted the last poll worker training?
 6 A Carol Shoptaw and Nancy
 7 Rasmusson.
 8 Q Was that in 2022?
 9 A I am trying to think. I may
 10 have done one.
 11 I didn't do any in 2020. I
 12 think I did one before the primary.
 13 Q This last primary?
 14 A Yes. So I did train in 2022.
 15 Q Is there a written exam that
 16 poll workers have to take?
 17 A Yes; I think that's right.
 18 Q And what happens if a poll
 19 worker doesn't take the written exam?
 20 A They don't work.
 21 Q Do you or the other
 22 Commissioners design the poll worker
 23 training?
 24 A Actually, if I am doing the
 25 training, I kind of -- I follow -- we do a

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1 FREDDIE HARRIS
 2 Power Point and I follow the state stuff
 3 pretty much.
 4 I may ad-lib a little bit,
 5 just because we are a little bit different,
 6 but -- in procedures and flow of the people
 7 and stuff like that.
 8 But otherwise, the basic
 9 training I take from the state.
 10 Q Do you recall whether the
 11 other two Commissioners designed poll worker
 12 training?
 13 A No, they have their own
 14 style, but I think we -- I think we pretty
 15 much stick with what the state tells us to
 16 do.
 17 Q When a voter registers to
 18 vote in Arkansas, do they have to provide
 19 any personally identifying information such
 20 as name, address, date of birth?
 21 MR. FORD: I object to form.
 22 A Okay, if they register to
 23 vote at our headquarters. They have to fill
 24 out a form that is highlighted with all the
 25 information that they have to put on it.

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1 FREDDIE HARRIS
 2 They also have to have a
 3 photo ID that we photocopy and attach to
 4 that application that we send to the County
 5 Clerk's Office.
 6 Q Do they need to provide a
 7 Social Security number?
 8 A No.
 9 Well, they may put it on the
 10 form, I know -- I recall driver's license
 11 numbers is the number. I don't recall
 12 the -- well, the answer is I don't know.
 13 Q And can you just remind me
 14 when you were conducting poll worker
 15 training in 2022, did you conduct training
 16 on signature comparison?
 17 A No.
 18 Q Did the other two
 19 Commissioners conduct training on signature
 20 comparison in poll worker training?
 21 MR. FORD: I object to form.
 22 A No, I don't think so.
 23 Q Were the absentee ballot
 24 clerks a part of the poll worker training?
 25 A They come back for additional

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1 FREDDIE HARRIS
 2 training.
 3 Q And when you train the
 4 absentee ballot clerks, do you train them on
 5 signature comparison?
 6 A The lady in charge of that,
 7 who is one of our main supervisors, does all
 8 that, and yes, she does.
 9 I mean, you know, she uses --
 10 it's in here, some of these actual
 11 comparisons from the state with signatures,
 12 I saw it, but that's what she trains from.
 13 It's these right here, all
 14 these things have to be correct, according
 15 to the state.
 16 And to be an absentee poll
 17 worker, you take your poll worker training
 18 and you have to come back to be an absentee
 19 poll worker trainer, no different if you are
 20 a supervisor, you have to come back for
 21 supervisor training.
 22 Each one of those have
 23 different degrees of knowledge as far as we
 24 are concerned, the way we run the -- the way
 25 we run the office out there.

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1 FREDDIE HARRIS
 2 Q When you and the other two
 3 Commissioners were trained by the state --
 4 A Um-hum.
 5 Q -- on signature comparisons.
 6 A Um-hum.
 7 Q Do you recall what the state
 8 directed you to look at when you are
 9 reviewing signatures?
 10 A I do -- I sort of kind a --
 11 yes, I recall.
 12 MR. FORD: I object.
 13 Q Can you tell me what you
 14 recall?
 15 A All these different scenarios
 16 that you are going to encounter and what to
 17 look for as far as the curvature of the
 18 letter and all that stuff, while keeping in
 19 mind we are not signature experts.
 20 So, it's -- it always comes
 21 back to being a judgment call, that's why
 22 the people picked to be absentee voters are
 23 the people we know to be more focused and
 24 familiar with the process.
 25 MS. TENNELL: Mr. Court

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1 FREDDIE HARRIS
 2 Reporter, I am going to introduce
 3 for the record Exhibit 5.
 4 (The above described document was
 5 marked Exhibit 5 for identification as of
 6 this date.)
 7 MS. TENNELL: I am handing
 8 one copy to the state, and one copy
 9 to Ms. Harris.
 10 And for the record, this is
 11 an Arkansas application for absentee
 12 ballot revised 9/2021.
 13 Q Ms. Harris, have you seen
 14 this before?
 15 A I have to confess that I am
 16 not very familiar with this one. This is a
 17 form that the County Clerk -- I know this is
 18 attached to the application or something on
 19 the outside of the big envelope.
 20 I am really not familiar with
 21 this form, to be honest with you, I'm not.
 22 Q Have you seen a similar form
 23 to this?
 24 A I may have.
 25 Q And on the similar form that

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1 FREDDIE HARRIS
 2 you have seen to this, what was the
 3 circumstance?
 4 A Well, I can't say 100 percent
 5 I have seen this form, but I know the
 6 process that they have to be able to
 7 provide, I am told this, from meetings, that
 8 they would, again, they are making the
 9 request to the County Clerk's Office and all
 10 this is done outside of our -- outside of
 11 our office.
 12 So, we have nothing to do
 13 with this form.
 14 Q What voters in Arkansas can
 15 request an absentee ballot?
 16 A I'm not 100 percent sure of
 17 the requirements, except I used to think it
 18 was they were just unable due to health
 19 reasons or being out of the country or
 20 something could not vote in that election,
 21 so they applied.
 22 Q Does a voter need to be
 23 registered to receive an application for
 24 absentee ballot?
 25 A Again, this is done from the

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1 FREDDIE HARRIS
 2 County Clerk's Office, but I think the State
 3 Law is that you need to be a registered
 4 voter in the county in order to vote,
 5 period.
 6 So that's -- I'm not in the
 7 County Clerk's Office, I'm sorry, this is --
 8 this is something we might receive attached
 9 to that stack of envelopes, but it's not
 10 something that I have -- spend any time
 11 reading.
 12 Q Who at the Election Board
 13 goes through each of the applications for
 14 absentee ballot and decides whether the
 15 application is complete?
 16 MR. FORD: I object to form.
 17 A Nobody. No one. County
 18 Clerk's Office.
 19 MS. TENNELL: Mr. Ford, if I
 20 could just say, if you could let her
 21 finish answering before you object,
 22 because I wasn't able to hear her
 23 answer.
 24 MR. FORD: Technically I need
 25 to object before she answers, so I

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1 FREDDIE HARRIS
 2 am trying to do it
 3 contemporaneously.
 4 THE WITNESS: I am trying to
 5 ignore you, too.
 6 MR. FORD: I know it's
 7 awkward.
 8 THE WITNESS: I am getting
 9 tuned in.
 10 Q I will repeat my question.
 11 Who at the Election Board
 12 goes through each of the absentee
 13 applications to decide whether an
 14 application is complete?
 15 MR. FORD: I object to form.
 16 A We do not go through these
 17 applications to see if they are complete or
 18 not.
 19 Q And who is we?
 20 A The Commission, the Board.
 21 Q Does anyone at the county go
 22 through these applications to determine
 23 whether they are complete?
 24 A The County Clerk's Office is
 25 responsible for that.

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1 FREDDIE HARRIS
 2 Q Does the County Clerk accept
 3 applications for an absentee ballot that are
 4 written on a piece of paper and not a formal
 5 application?
 6 A I can't answer that. I don't
 7 know.
 8 Q If a voter called the County
 9 Clerk's Office and asked for an application
 10 for an absentee ballot, would the County
 11 Clerk consider that a complete application
 12 for an absentee ballot?
 13 MR. FORD: I object to form.
 14 A Again, you would need to ask
 15 her that question, but I can't see that
 16 happening.
 17 I don't know; but I would
 18 say -- I can't say. They have their
 19 procedures as well.
 20 Q Is there a comparison that
 21 goes on between an absentee application and
 22 a voter registration form?
 23 A From our point -- no.
 24 Q And is there a comparison
 25 that goes on between an application for an

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1 FREDDIE HARRIS
 2 absentee ballot and a voter statement?
 3 A A comparison between the
 4 application, this application and the voter
 5 statement that's inside the envelope?
 6 Is that what you are asking,
 7 is there a comparison?
 8 I think there is a
 9 comparison, but I'm -- I'm pretty sure there
 10 is a comparison to that.
 11 Q So, after a voter fills out
 12 an application for an absentee ballot and
 13 it's accepted, the voter is mailed an
 14 absentee ballot, is that correct?
 15 A That's correct.
 16 Well, I think -- I don't
 17 know, I do not know the County Clerk's
 18 process.
 19 I know that if you want an
 20 absentee ballot you have to contact the
 21 County Clerk's Office, and I know that you
 22 have to fill out an application, and then
 23 they send you -- they send you whatever, and
 24 then you mail it back to them, and then they
 25 process it back through their system based

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1 FREDDIE HARRIS
2 on whatever information they have sent out,
3 which I'm not that familiar with that.
4 And then all that has to
5 match up with them before we ever see it.
6 Q Let's look at Exhibit 4,
7 which is the 2020 poll worker training.
8 Let's turn to page 142.
9 MS. TENNELL: For the record,
10 this is Bates stamp ending in 895.
11 Q Ms. Harris, do you recognize
12 this page?
13 A On page 142?
14 Q Yes.
15 A Yes.
16 Q And so this page is titled
17 Absentee Ballot Processing.
18 And it says that this section
19 provides instruction for election officials
20 designated to process absentee ballots
21 specifically will cover the process of
22 absentee voting, canvassing, absentee
23 ballots and counting absentee ballots.
24 Ms. Harris, how would you
25 describe canvassing?

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1 FREDDIE HARRIS
2 A It's at the opening and
3 processing of the original -- how would I
4 describe it? Pretty much exactly what if
5 everything is in order, clerk 1, all those
6 statements right there is what we go by.
7 Q What statements are you
8 referring to?
9 A 143.
10 Q Okay.
11 Can you describe for me what
12 the process of canvassing is?
13 A Okay, there are three words,
14 there is add, there is processing and
15 canvassing and counting.
16 Canvassing means what exactly
17 to you?
18 Q I am asking you what you
19 understand canvassing to be.
20 A Well, if it's the preprocess
21 of counting the ballots on Election Day, it
22 is the exactly, pretty much what is written
23 on page 143.
24 One person would get the
25 stack and one person, again observed by that

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1 FREDDIE HARRIS
2 election official, that's what we call our
3 supervisor, and in the process he knows of
4 three people.
5 One person can slice open the
6 outer envelope and verify that the voter
7 statement, photo ID and the ballots are
8 inside, and they agree the voter named
9 allowed, and clerk number 2 writes the name
10 down, lists the name and highlights it, and
11 all this kind of stuff, and election
12 officials compare the name and the address
13 and the date of birth and all this kind of
14 stuff, and all that paperwork matches up,
15 and if it's all there, it's clean, so it
16 goes in a count file; a count stack.
17 Q And then how would you define
18 counting?
19 A Counting means that ballot
20 gets counted because they have returned
21 everything and everything looks okay.
22 Q Okay. And let's turn to page
23 143.
24 A Okay.
25 MS. TENNELL: 'for the record

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1 FREDDIE HARRIS
2 this is Bates stamp ending in 896.
3 Q So this is the opening and
4 processing of absentee ballots?
5 A Okay.
6 Q When does this process begin?
7 A Depending on the day we set,
8 depending on -- it starts a few days before
9 the election, if it's a heavy election.
10 If it's eight or ten, it can
11 be done on the day of the election.
12 Q And when do you determine
13 what day this will start?
14 A The County Clerk keeps us
15 abreast of how many applications she's had
16 and how many has been returned.
17 So we can judge from that
18 whether we need two days before the election
19 to do it or one day, that kind of thing.
20 Q In 2020, do you recall when
21 you started canvassing absentee ballots?
22 A I think we -- I think we
23 counted absentee ballots for four or five
24 days, a long time, it seemed like.
25 Longest ever, for sure.

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1 FREDDIE HARRIS
 2 Q Was there any special
 3 approval by the Governor in 2020 to begin
 4 the canvassing process before Election Day?
 5 A It's possible, it seems
 6 like -- it seems like we were allowed more
 7 time.
 8 Q In the 2022 election that you
 9 just had, when did the canvassing process
 10 begin?
 11 A We did it on Monday before
 12 the Election Day on Tuesday; so we worked
 13 Monday and Tuesday, got through about noon
 14 on Tuesday.
 15 Q Have you always been able to
 16 begin the canvassing process before Election
 17 Day?
 18 A Not always. I can recall
 19 when we had to wait to Election Day to even
 20 start the process.
 21 Q Do you remember when the rule
 22 changed?
 23 A No.
 24 Q Let's look at page 148 of
 25 Exhibit 4., and this is Bates stamp ending

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1 FREDDIE HARRIS
 2 in 901.
 3 And this page says that the
 4 outer envelope may be opened one week before
 5 Election Day.
 6 Does that sound familiar to
 7 you?
 8 A Yes.
 9 Q Are the comparisons between
 10 the application for an absentee ballot and
 11 the voter statement conducted during that
 12 time?
 13 A Yes.
 14 Q So what happens when an
 15 absentee ballot reaches the County Clerk's
 16 Office?
 17 A I don't know.
 18 MR. FORD: I object to form.
 19 Q Is there a special location
 20 that the absentee ballots are placed in when
 21 they are returned?
 22 A To the Clerk's office? I do
 23 not know.
 24 MR. FORD: I object to form.
 25 Q When the Commissioners review

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1 FREDDIE HARRIS
 2 absentee ballots, where are they located?
 3 A We get them in a metal box
 4 with a seal on them.
 5 Q Okay, let's go to Exhibit 2,
 6 which is the County Board of Election
 7 Commissioners procedures manual.
 8 A What page?
 9 Q It's the procedure manual,
 10 Ms. Harris.
 11 Yes, there you go.
 12 A Okay.
 13 Q Let's turn to page 89.
 14 For the record, this is Bates
 15 stamp ending in 750.
 16 Can you tell me if this page
 17 describes the canvassing process for
 18 absentee ballots?
 19 A Okay, so canvassing is the
 20 opening of the ballot.
 21 The other is that training --
 22 that processing -- okay, on Election Day the
 23 ballot can be opened.
 24 The inner statement -- the
 25 voter statement -- I mean the -- on Election

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1 FREDDIE HARRIS
 2 Day we can start opening the inner envelope
 3 with the ballot in it.
 4 And they can be run through
 5 the voting -- the tabulator, but we can't
 6 print the tapes.
 7 Q If we go down to the second
 8 section on this page, it says, "No voter
 9 statement, no photo ID, information on voter
 10 statement does not compare to application.
 11 And this can only be done after 8:30 on
 12 Election Day."
 13 So, if there is a mismatch,
 14 then absentee ballot has to be flagged, is
 15 that right?
 16 A That's right. We call that
 17 provisional, yes.
 18 Q ,And if an absentee ballot is
 19 flagged, the Commissioners review it?
 20 A That's correct.
 21 Q And that would include all
 22 three Commissioners reviewing that ballot?
 23 A That's correct.
 24 Q And when does the
 25 Commissioners' review of the absentee

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1 FREDDIE HARRIS
2 ballots have to be complete?
3 A We do it at the same time we
4 do provisional, which we set a date before
5 the election as to when we are going to
6 review all that.
7 So, it's about, on
8 provisional ballots, regular provisional
9 ballots, they have until Monday to get their
10 signature -- I mean their photo ID back to
11 the County Clerk's Office to prove who they
12 are.
13 And so we normally have those
14 meetings after that deadline has been met.
15 So, basically a week after the election.
16 Q So the Commissioner's review
17 of mismatched absentee ballots has to be
18 done a week after the election?
19 A That's about right.
20 MR. FORD: Objection to form.
21 Q Did you receive training on
22 the distribution of absentee ballots?
23 A What do you mean by
24 distribution of absentee ballots?
25 Q Did you receive training on

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1 FREDDIE HARRIS
2 who is able to receive an absentee ballot?
3 A No.
4 Again the County Clerk does
5 that in our area. The commission has
6 nothing to do with who gets an absentee
7 ballot.
8 Q If we can go to Exhibit 3
9 which is the 2022 County Board of Election
10 Commissioners training.
11 A What page?
12 Q If you can turn to the page
13 ending in Bates stamp 966.
14 Let me know when you make it
15 there.
16 A 966, you got it.
17 Q Yes.
18 So, if we look at this page,
19 there is an application for absentee ballot
20 on the left side of the page, and there is
21 an absentee voter statement on the right
22 side of the page.
23 If we look at the address
24 that's listed on the application for an
25 absentee ballot, it says 123 Main Street,

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1 FREDDIE HARRIS
2 Bryant, Arkansas 72022.
3 And on the voter statement
4 the address says P.O. Box 310 Bryant,
5 Arkansas 72021.
6 Do these addresses match?
7 MR. FORD: I object to form.
8 A No.
9 And I only get one vote, but
10 I would say no.
11 Q Why do these addresses not
12 match?
13 A Because his return address is
14 P.O. Box 310.
15 Q And let's say that --
16 A And the zip code is not the
17 same.
18 Q Let's say that the address
19 was the same, it was P.O. Box 310 on both of
20 these, the application and the voter
21 statement, and the zip code is off by one
22 digit, as it is here, would that application
23 be counted?
24 MR. FORD: I object to form.
25 A An application -- first off,

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1 FREDDIE HARRIS
2 with voter registration I think in the state
3 of Arkansas, you have to have a physical
4 address, because that determines your
5 precincts that you are voting in.
6 So it would be -- we would
7 only be comparing the two, but I don't think
8 they would ever get an absentee ballot if
9 they wanted it just sent to a P.O. Box
10 without that being on record, without a
11 physical address you wouldn't know -- I
12 don't know, I'm not down there.
13 But enough said, I guess, but
14 the answer is I don't think that would pass.
15 Q Let's say that the address
16 was 123 Main Street on both the application
17 and the voter statement?
18 A Um-hum.
19 Q And the zip code was off by
20 one digit, as it is here.
21 A I don't think that would
22 matter, because most people know the first
23 three digits determine the post office, or
24 used to.
25 So no, I don't think that

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1 FREDDIE HARRIS
 2 would be a problem.
 3 MR. FORD: I object to that
 4 just as non-responsive, there was no
 5 question on the table.
 6 Q If you would please turn to
 7 Exhibit 2 which is the County Board of
 8 Election Commissioners Procedure Manual.
 9 If you could turn to page 88
 10 which is Bates stamp ending in 749.
 11 If you can just look at the
 12 second paragraph on this page, it says
 13 voter's address, do you see that?
 14 A Yes.
 15 Q It says, "The voter's address
 16 shall be found comparable if it is
 17 sufficiently similar so that any
 18 discrepancies such as abbreviations,
 19 variations in form, or other minor
 20 incongruities are not so dissimilar that
 21 election officials are unable to determine
 22 that the two documents reflect the same
 23 physical address."
 24 Are you familiar with that?
 25 A Yes.

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1 FREDDIE HARRIS
 2 Q How much time does it take
 3 you when you are reviewing an absentee
 4 ballot to compare a voter's signature?
 5 MR. FORD: I object to form.
 6 A There is no way to measure
 7 time.
 8 Q On average, when you are
 9 reviewing a voter's signature on an
 10 application for an absentee ballot and a
 11 voter statement, on average how long would
 12 you say that process takes?
 13 MR. FORD: I object to form.
 14 A Well, like I said, we have
 15 only had one ever, so one is all that's ever
 16 come before the commission to review.
 17 Workers around the table, I
 18 have no idea how long it takes individually
 19 for them to do it.
 20 To look at it and see that
 21 it's, you know, they all -- we all know we
 22 are not handwriting experts, so we -- I
 23 don't know.
 24 We have only had one come
 25 before us regarding a signature, ever.

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1 FREDDIE HARRIS
 2 Q When you attended training by
 3 the state, did they provide you any
 4 guidelines on how long to spend comparing
 5 signatures?
 6 A No. I don't remember time
 7 ever entering into it.
 8 Q If you can just turn back to
 9 Exhibit 3, which is the 2022 County Board of
 10 Election Commissioner training.
 11 If you can turn to the page
 12 ending in Bates stamp 953.
 13 Let me know when you are
 14 there?
 15 A I am there.
 16 Q Can you take a look at these
 17 two signatures, and can you please tell me
 18 if they are comparable?
 19 A First glance I would say no.
 20 Q And why is that?
 21 A Because there is nothing
 22 about the signature that looks the same.
 23 Q Can you describe any
 24 characteristics that are dissimilar?
 25 A The R, the way the O connects

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1 FREDDIE HARRIS
 2 to the B, the B, the E, the R, the T.
 3 Second signature has an
 4 initial, I would ignore that part.
 5 The B, again, the C and the
 6 H.
 7 Q And if you can turn to Bates
 8 stamp ending in 952.
 9 Can you tell me if these two
 10 signatures are comparable?
 11 A I would say yes.
 12 Q And why is that?
 13 A Because they look, just
 14 glancing at them, they look like the same.
 15 Q Is there an electronic form
 16 that a voter can fill out for an absentee
 17 ballot?
 18 MR. FORD: Objection.
 19 A I do not know.
 20 MR. FORD: Objection to form.
 21 A I do not know.
 22 Q Can you turn to Bates stamp
 23 ending in 950.
 24 Let me know when you are
 25 there.

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1 FREDDIE HARRIS
 2 A I am there.
 3 Q Can you look at this first
 4 two, the first two boxes on this page, it
 5 says pen and paper and then it says
 6 electronic?
 7 A Um-hum.
 8 Q That first row, are those two
 9 signatures comparable?
 10 A I would say yes.
 11 Q And what about the second
 12 row?
 13 A I certainly haven't dealt
 14 with anything electronic. I am going to say
 15 yes on both of those.
 16 Q And what's your reason for
 17 that?
 18 A One is pen and paper and one
 19 is electronic, but they both have the same
 20 kind of style.
 21 Q As you can see on the second
 22 row, there is a circle indicating that the
 23 signature on the top was cut off on the
 24 electronic side?
 25 MR. FORD: Objection to form.

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1 FREDDIE HARRIS
 2 Q Can you see that?
 3 A I see the circle, I didn't
 4 know what it meant, but I see the circle.
 5 I would have ignored the
 6 circle.
 7 Q Okay.
 8 If you can turn to page
 9 ending in 949 and let me know when you are
 10 there?
 11 A I am there.
 12 Q Can you take a look at this
 13 first row, and there is an absentee ballot
 14 application box, and then there is an
 15 absentee ballot statement box.
 16 On the first row, can you
 17 tell me if these two signatures are
 18 comparable?
 19 A Oh, goodness.
 20 I would say they are
 21 comparable.
 22 They are not exact, I can see
 23 they are not exact, but I would say they are
 24 comparable.
 25 Q And what about the second

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1 FREDDIE HARRIS
 2 row?
 3 A I have more difficulty with
 4 that one.
 5 I would almost say no.
 6 Q And why is that?
 7 A Because the D and the way the
 8 A is, the writing of whatever that is,
 9 Daniel, maybe, it's different.
 10 Q What is your opinion on an
 11 example that a voter who is filling out
 12 their absentee ballot application is not
 13 really thinking that they need to have a
 14 comparable signature and initials their
 15 voter statement?
 16 What is your opinion on
 17 whether those would match?
 18 MR. FORD: Objection to form.
 19 A My opinion? My opinion is
 20 anyone applying for an absentee ballot or
 21 voting period needs to pay attention that
 22 these things are being considered.
 23 And just try to be more
 24 cautious in making sure they fill out their
 25 applications correctly.

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1 FREDDIE HARRIS
 2 Because otherwise you have
 3 three people or four people trying to
 4 determine whether or not things match.
 5 It's not -- while I'm sitting
 6 here giving an opinion, I know in real life
 7 there are at least three people looking at
 8 these, so then three people have to agree.
 9 But if voters could be just
 10 more aware, and I assume that there is an
 11 instruction sheet that goes out to them, I
 12 don't know that; but if there is, they need
 13 to make sure that they follow the
 14 instructions that's given to them on how to
 15 fill out their ballot and get it back in a
 16 way that it will be counted.
 17 That's my opinion.
 18 Q And if you can just turn back
 19 to Exhibit 2; which is the procedures
 20 manual.
 21 A Okay.
 22 Q You can look at page 88,
 23 which is Bates stamp ending in 749.
 24 A Okay.
 25 Q And if you look at this

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1 FREDDIE HARRIS
 2 section, the last section on voter
 3 signature.
 4 A Okay.
 5 Q It says that, "The voter
 6 signature should be found comparable unless
 7 the signature on the voter statement is
 8 sufficiently dissimilar to the signature on
 9 the absentee ballot application so that the
 10 reviewing officials are left with an abiding
 11 conviction that the signatures being
 12 compared are written by two different
 13 people."
 14 Are you familiar with that?
 15 A Um-hum.
 16 Q Do you and the Commissioners
 17 follow this best practices?
 18 A Yes, we try.
 19 MR. FORD: If I may, the
 20 prior question, are you familiar, I
 21 think you just said um-hum.
 22 Is that a yes?
 23 THE WITNESS: Yes, that's a
 24 yes.
 25 MS. TENNELL: Why don't we

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1 FREDDIE HARRIS
 2 take a ten minute break.
 3 THE VIDEOGRAPHER: We are off
 4 the record at 11:24.
 5 (At this point in the proceedings
 6 there was a recess, after which the
 7 deposition continued as follows:)
 8 THE VIDEOGRAPHER: We are
 9 back on the record at 11:37.
 10 MS. TENNELL: Mr. Court
 11 Reporter, I am introducing Exhibit 6
 12 into the record, I am handing one
 13 copy to the state and one copy to
 14 Ms. Harris.
 15 (The above described document was
 16 marked Exhibit 6 for identification as of
 17 this date.)
 18 MS. TENNELL: For the record,
 19 this document begins with Bates
 20 stamp LWVAR 0011006.
 21 And it's titled general 2020.
 22 Q Ms. Harris, do you recognize
 23 this document?
 24 A I'm beginning to.
 25 Q And what is it?

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1 FREDDIE HARRIS
 2 A It looks like the County
 3 Clerk's absentee supply costs, which we
 4 would have submitted to the state.
 5 So it looks like it's stuff
 6 that pertains to the 2020 election.
 7 Q And if you can turn to the
 8 page ending in 1015, it's on the back side.
 9 Kind of in the middle here.
 10 A Where do I find 1015?
 11 Q It's at the bottom corner.
 12 Do you see the LWVAR number?
 13 A Yes, it's beside that. Yes,
 14 I do.
 15 Q Let me know when you are
 16 there.
 17 A I am here, I've got it.
 18 Q Can you tell me what the
 19 title of this spreadsheet is?
 20 A Not counted -- 2020 absentee
 21 ballot report not counted ballots.
 22 Q If you look at lines 2 and 3
 23 of this spreadsheet, there is a name on line
 24 2 Hallal Assad, and on line 3, Sylvia J.
 25 Blainey.

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1 FREDDIE HARRIS
 2 Can you just please read what
 3 the reason why their absentee ballot wasn't
 4 counted?
 5 A Does not match address on
 6 voter statement.
 7 Q It says address on
 8 application?
 9 A Address on application does
 10 not match address on voter statement.
 11 Q Who determined that the
 12 address didn't match?
 13 A The table. The poll workers.
 14 Q Did the Commissioners
 15 review --
 16 A No.
 17 Q So these two absentee ballots
 18 were rejected, is that correct?
 19 A Correct.
 20 Q Who usually is in charge of
 21 this -- documenting this information?
 22 A A lady I had by the name of
 23 Janey Roche.
 24 She's the supervisor over
 25 absentee ballots.

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1 FREDDIE HARRIS
 2 Q And were these materials
 3 provided to the state?
 4 A I do not know the answer to
 5 that.
 6 I can see they were -- they
 7 are file stamped with the County Clerk.
 8 Q Is data related to rejection
 9 of absentee ballot reasons provided to the
 10 state?
 11 A I do not know. I don't think
 12 so. I don't know.
 13 MS. TENNELL: Mr. Court
 14 Reporter, I am introducing for the
 15 record Exhibit 7, and I am going to
 16 pass one copy to the state and one
 17 copy to Ms. Harris.
 18 (The above described document was
 19 marked Exhibit 7 for identification as of
 20 this date.)
 21 MS. TENNELL: For the record,
 22 this is titled ballot disposition
 23 report.
 24 Q Ms. Harris, do you recognize
 25 this document?

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1 FREDDIE HARRIS
 2 A I am vaguely familiar with
 3 this one, yes. Yes.
 4 Q Can you tell me the election
 5 type and the date of election on this ballot
 6 disposition report?
 7 A This is May of '22.
 8 Q And what election type?
 9 A Preferential primary.
 10 Q Are the Pope County
 11 Commissioners required to submit a ballot
 12 disposition report to the state?
 13 A Yes.
 14 Q Do you know when the timeline
 15 is for you to submit this disposition
 16 report?
 17 A No, I can't tell you the
 18 exact timeline, un-hunh. It's right after
 19 the election, though.
 20 Q If you turn to page 3 of this
 21 report, there is a certification, is this
 22 your name and signature under certification?
 23 A It is my signature, yes. And
 24 name.
 25 Q If you can just look at page

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1 FREDDIE HARRIS
 2 2, it says absentee ballots kind of
 3 three-quarters of the way down on the page;
 4 do you see that?
 5 A Do I see which one?
 6 Q It says absentee ballots as a
 7 header?
 8 A Um-hum.
 9 Q Do you see that?
 10 A Yes.
 11 Q And then under that header
 12 it -- on line 13?
 13 A Um-hum.
 14 Q It says, "Five total number
 15 of absentee ballots rejected."
 16 Do you see that?
 17 A Yes, I do.
 18 Q And then it says on the next
 19 line, line 14, "Number of absentee ballots
 20 rejected, excluding absentee provisionals"
 21 and it lists one.
 22 Do you see that?
 23 A Yes.
 24 Q And then under that it has,
 25 "reasons for absentee ballot rejection

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1 FREDDIE HARRIS
 2 non-provisionals."
 3 Do you see that?
 4 A Yes.
 5 Q So that would be the five
 6 total number of absentee ballots that were
 7 rejected should be listed there, is that
 8 correct?
 9 MR. FORD: I object to form.
 10 A Okay, the question was
 11 reasons for absentee ballots rejections, not
 12 non-provisional, but there is only one
 13 filled out.
 14 Five is above it, total
 15 number of absentee ballots rejected, number
 16 of absentee ballots rejected excluding
 17 absentee provisionals is one, yes, okay.
 18 Q And the total was five
 19 ballots rejected.
 20 Do you know why there are not
 21 four other reasons listed on this ballot
 22 disposition report for the rejection of the
 23 other four absentee ballots?
 24 MR. FORD: I object to form.
 25 A No, I do not know why.

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1 FREDDIE HARRIS
 2 Q Does the County Board of
 3 Election Commission in Pope County receive
 4 funds for election related expenses from the
 5 state?
 6 A In the primary we do; yes.
 7 Q And what about in the general
 8 election?
 9 A Not from the state, no;
 10 un-hunh.
 11 Q How does the county receive
 12 funding for general elections?
 13 A The cities pay according to
 14 the percentage of voters that they had,
 15 based on the total amount of the votes.
 16 Q And how are election related
 17 funds allocated?
 18 A What do you mean?
 19 Q Are there specific line items
 20 that receive funding in elections, or is it
 21 anything that needs to be paid for in an
 22 election is going to be funded?
 23 A Well, it's not that easy.
 24 There is a chart of accounts
 25 that cover -- that is set by the quorum

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1 FREDDIE HARRIS
 2 court that they allow us money to spend, but
 3 again, it all goes through the courthouse.
 4 That's about all I can tell
 5 you about it, is that if we need the money
 6 and have to have the money, we would have to
 7 get the quorum court to approve it.
 8 So it's all approved by the
 9 quorum court, but it's based on there is the
 10 rent, there is the utilities, there is this,
 11 there is that, there are supplies and that's
 12 it, paying for the poll workers.
 13 Q And who decides that expense
 14 allocation?
 15 A We Commissioners make up the
 16 budget, but the quorum court will chop it up
 17 in little bitty pieces and give you
 18 fragments of it throughout the year.
 19 Q Are counties allowed to
 20 request more funding from the state in
 21 general elections?
 22 A No; not in general -- in the
 23 primary you can estimate what your -- you
 24 think your expenses are going to be and they
 25 can -- they will front you the money.

Page 120

1 FREDDIE HARRIS
 2 We did not do that this year,
 3 or we didn't get it turned in in time, in
 4 fact we still haven't gotten any money from
 5 the state yet.
 6 So, that's a particular
 7 situation with Pope County right now.
 8 Q Is there a reason why it
 9 wasn't turned into the state to receive
 10 funding for the primary?
 11 A It was all turned in, they
 12 just haven't gotten around to giving us the
 13 money yet.
 14 Q When was it turned in?
 15 A I think June or July, after
 16 the primary runoff.
 17 So probably about the 1st of
 18 July, give or take.
 19 Q And when does Pope County
 20 normally receive their funding from the
 21 state for primary elections?
 22 A We normally have it by this
 23 time of the year. So, it can vary.
 24 But so far we have not gotten
 25 it yet this year, I called and checked on it

Page 121

1 FREDDIE HARRIS
 2 last week.
 3 Q If we can just look back at
 4 Exhibit 6, which is titled general 2020?
 5 A Oh, that's this one.
 6 Q Yes.
 7 A Okay.
 8 Q If we can look at the Bates
 9 stamp ending in 007.
 10 And this is titled County
 11 Clerk absentee supply costs. Let me know
 12 when you are there.
 13 A I am there.
 14 Q On this form under items in
 15 the middle of the page it lists absentee
 16 envelopes, application postage, ballot
 17 postage, marking devices and voter
 18 statements and it has a quantity, a per unit
 19 cost and a total cost listed.
 20 Do you see that?
 21 A I do.
 22 Q And the total cost listed is
 23 \$4,943.10.
 24 Do you see that?
 25 A I do.

Page 122

1 FREDDIE HARRIS
 2 Q Are these items listed
 3 reimbursable by the state?
 4 A They should be. They are. I
 5 mean they are admissible; yes.
 6 Q Reimbursable, is that what
 7 you said?
 8 A Yes.
 9 Q If you can just look at the
 10 next two pages, which are Bates stamp ending
 11 in 1008 and 1009, can you tell me if the
 12 totals on those two pages, which is \$580.48
 13 and then \$838.76, are those totals separate
 14 from the totals listed on page 1007 that we
 15 were just looking at?
 16 A Well --
 17 MR. FORD: Objection to form.
 18 A These are not our -- they are
 19 not the commission's invoices, these are
 20 Pope County clerk's invoices and do they
 21 look the same?
 22 You know --
 23 Q The question was whether
 24 these totals were included on the County
 25 Clerk absentee supply costs that we were

Page 123

1 FREDDIE HARRIS
 2 just looking at on page 1007?
 3 A Well, I guess you -- I don't
 4 mean to be sarcastic, but I would say you
 5 need to ask her that question, because these
 6 numbers do not exactly compare.
 7 So these on the front may be
 8 combined, I don't know. These are not
 9 things that we did, these are things that
 10 she did and billed, came out of, I guess our
 11 budget down at the courthouse, you know, for
 12 these amounts, which she gave to us to
 13 submit, we would have submitted this form
 14 right here.
 15 Q Okay, we will backtrack a
 16 little bit.
 17 So, Ms. Harris, if you can
 18 just please look at page Bates stamp ending
 19 in 1008, and 1009, which are two invoices,
 20 one is totaling \$580.48 and the next one is
 21 totaling \$838.76.
 22 Are these two totals included
 23 on the total on Bates stamp ending in 1007
 24 that we were looking at?
 25 MR. FORD: I object to form.

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1 FREDDIE HARRIS
 2 A I do not know.
 3 Q Ms. Harris, if you can please
 4 turn to page ending in 1013, just let me
 5 know when you are there.
 6 A Okay.
 7 Q At the bottom of this
 8 spreadsheet there is words written that says
 9 for Cares Act grant; do you see that?
 10 A I do.
 11 Q Can you please tell me what
 12 that means?
 13 A I have no idea.
 14 MR. FORD: I object to form.
 15 A This is not my form.
 16 Q Can you please turn to page
 17 ending in 1017.
 18 MR. FORD: I'm sorry, what
 19 page?
 20 MS. TENNELL: It's Bates
 21 stamp ending in 1017.
 22 Q Let me know when you are
 23 there.
 24 A I am here.
 25 Q Do you recognize this page?

Page 125

1 FREDDIE HARRIS
 2 A Let me say I have never seen
 3 this before. This one didn't come through
 4 me, I see it was sent by Janey Roche, she's
 5 in charge of the absentee ballot stuff.
 6 I'm assuming, I can only
 7 assume.
 8 She corresponded directly
 9 back to the County Clerk.
 10 But it is a report that we
 11 give back to the County Clerk.
 12 Q Okay.
 13 MS. TENNELL: Let's go ahead
 14 and take a five minute break.
 15 THE VIDEOGRAPHER: We are off
 16 the record at 11:59.
 17 (At this point in the proceedings
 18 there was a recess, after which the
 19 deposition continued as follows:)
 20 THE VIDEOGRAPHER: We are
 21 back on the record at 12:04.
 22 Q Ms. Harris, does Pope County
 23 document instances of voter fraud?
 24 MR. FORD: I object to form.
 25 A Do we document -- if we are

Page 126

1 FREDDIE HARRIS
 2 aware of it, we would document it, yes.
 3 Q And have there been instances
 4 of voter fraud in Pope County?
 5 A No.
 6 Q Does Pope County provide any
 7 notice to voters when their application and
 8 their voter statement does not compare?
 9 A If we reject it, so is that
 10 what you're talking about?
 11 If we do not count it, they
 12 get notice if their ballot didn't count,
 13 um-hum, they get a letter.
 14 Q Is that notice provided
 15 before the close of an election result, or
 16 after the close of an election result?
 17 A It would be after, because
 18 now this list of -- 2020 list of where --
 19 based on her stuff here, where there are
 20 2,000, we do not -- if the ballot didn't
 21 count or is not going to count, they get a
 22 notice as to why.
 23 But it's after the election.
 24 Q And I just want to clarify
 25 for the record, they are provided notice

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1 FREDDIE HARRIS
 2 that their ballot did not count after the
 3 election results have been finalized, or
 4 before the results have been finalized?
 5 A After. After, because we --
 6 after.
 7 MS. TENNELL: Okay, that's
 8 all I have.
 9 THE WITNESS: That's it?
 10 MR. FORD: Not yet, I've got
 11 a few questions.
 12 It won't be long, I promise,
 13 much less time.
 14
 15 EXAMINATION BY
 16 MR. FORD:
 17
 18 Q Ms. Harris, let me draw your
 19 attention to --
 20 A Now you are sounding like an
 21 attorney.
 22 Q I believe it was marked as
 23 Exhibit 1.
 24 Do you still have that in
 25 front of you?

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1 FREDDIE HARRIS
 2 A Is that this one, the first
 3 document?
 4 Q Yes, ma'am.
 5 Can you see -- can you look
 6 with me at the bottom of that -- of page 1
 7 of that document, the document says,
 8 "Subpoena to testify at a deposition in a
 9 civil action;" do you see that?
 10 Q It's the very first page?
 11 A Yes, attachment, no.
 12 Q It's just this page right
 13 here.
 14 A That page, okay.
 15 Q You see at the bottom it says
 16 the name, address, e-mail address and
 17 telephone number of the attorney
 18 representing League of Women Voters who
 19 issues the subpoena is Harold Williford,
 20 then gives an address and an e-mail, do you
 21 see that?
 22 A Yes.
 23 Q Have you ever spoken to
 24 Mr. Harold Williford?
 25 A I don't think so.

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1 FREDDIE HARRIS
 2 Q Do you remember who you have
 3 spoken to regarding this deposition?
 4 Or let me back up.
 5 Who, if anyone, have you
 6 spoken to regarding scheduling your
 7 deposition?
 8 A I do not know, I did not
 9 write down their names.
 10 Q Do you remember if it was a
 11 male or a female?
 12 A I am leaning toward female.
 13 Q Okay.
 14 But you have spoken to
 15 someone regarding scheduling your
 16 deposition, obviously, since you asked to
 17 schedule it for another day?
 18 A Yes, well they -- they
 19 scheduled me for another day.
 20 Q Got it.
 21 Did anyone ever explain to
 22 you why you were subpoenaed to testify
 23 today?
 24 A No.
 25 I still don't know why.

Page 130

1 FREDDIE HARRIS
 2 Q Would you be surprised to
 3 know that --
 4 MR. FORD: Strike that, one
 5 second.
 6 Q All right, would you be
 7 surprised to know that one of the
 8 allegations in this lawsuit is that local
 9 election officials haphazardly and
 10 arbitrarily enforce Arkansas law with
 11 respect to reviewing absentee ballot voter
 12 statements and rejecting ballots for missing
 13 or mismatched signatures, dates of birth or
 14 addresses?
 15 MS. TENNELL: Can you tell me
 16 what page you are reading from?
 17 MR. FORD: Sure, this is page
 18 20 of Exhibit 1.
 19 It's actually page 20 of the
 20 second amended Complaint, but it was
 21 attached to Plaintiff's Exhibit
 22 number 1.
 23 MS. TENNELL: And where are
 24 you reading from?
 25 MR. FORD: Paragraph 47.

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1 FREDDIE HARRIS
 2 A So what's your question to
 3 me?
 4 Q Would it surprise you?
 5 A No, I read it.
 6 Q Okay.
 7 A I disagree with the
 8 statement, but I read it. I don't know who
 9 Ms. Enman is, but she's never worked with
 10 me.
 11 Q In your capacity as a County
 12 Board Commissioner, are you represented by
 13 counsel?
 14 MS. TENNELL: I object to the
 15 form.
 16 A My understanding, a
 17 representative -- if anything came up with
 18 the commission, it would be the prosecuting
 19 attorney.
 20 Q And so, for example, if an
 21 individual sued Pope County Commissioners,
 22 who would you contact?
 23 MS. TENNELL: I object to the
 24 form.
 25 A I mean I am ignoring you now,

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1 FREDDIE HARRIS
 2 is that the way it goes?
 3 I would call Mr. Philips,
 4 Jeff Philips.
 5 Q And if anyone alleged that
 6 the Pope County Board of Commissioners did
 7 not do their job correctly, who, if anyone,
 8 would you notify?
 9 MS. TENNELL: I am objecting
 10 and I am asking Ms. Harris not to
 11 divulge any privileged
 12 communications with her counsel.
 13 MR. FORD: I did not ask for
 14 communications, I said who if anyone
 15 would you contact?
 16 MS. TENNELL: I am objecting
 17 to the form and I am directing Ms.
 18 Harris not to divulge any privileged
 19 communications.
 20 MR. FORD: Are you her
 21 attorney?
 22 A The first person I would call
 23 would be --
 24 MR. FORD: To be clear, for
 25 the record, I'm not asking for the

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1 FREDDIE HARRIS
 2 contents of any communications, I'm
 3 merely asking who she would contact.
 4 MS. TENNELL: And I am
 5 objecting to the form and just
 6 directing Ms. Harris --
 7 A Let me just say what I would
 8 do if something popped up regarding the
 9 Election Commission.
 10 That's me, I'm not saying
 11 it's a law, it's a rule, it's me and I have
 12 to live with me.
 13 The first person I call is
 14 the state Board, and then they tell me I'm
 15 not your attorney, call Jeff Philips.
 16 Q Got it.
 17 A That's what happens.
 18 Q Now, I don't remember what
 19 the number of this was, can I refer your
 20 attention to the ballot disposition report?
 21 A Yes.
 22 Q And perhaps someone --
 23 MR. FORD: Mr. Court Reporter
 24 could you remind me what the Exhibit
 25 number on that was, I don't know if

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1 FREDDIE HARRIS
 2 you remember.
 3 MS. TENNELL: That's Exhibit
 4 7.
 5 MR. FORD: 7, wonderful,
 6 thank you.
 7 Q I think there is a little
 8 confusion on this, Ms. Harris.
 9 Let's look at page 2, just
 10 for the record, that is Bates number
 11 Defendant's 070496.
 12 Let me know when you are
 13 there.
 14 A I am here.
 15 Q Now, I point your attention
 16 to line 13?
 17 A Okay.
 18 MS. TENNELL: I am objecting
 19 to your preamble about there was
 20 some confusion on this.
 21 MR. FORD: Sure.
 22 Q You see the line that says
 23 total number of absentee ballots rejected?
 24 A Correct, I see it.
 25 Q And what is the number next

Page 135

1 FREDDIE HARRIS
 2 to that?
 3 A Five.
 4 Q Next line, 14, that states,
 5 and correct me if I'm wrong, "number of
 6 absentee ballots rejected (excluding
 7 absentee provisionals)."
 8 Do you see that?
 9 A Yes, I do.
 10 Q What's the number next to
 11 that one?
 12 A One.
 13 Q Just under that line there is
 14 a bold "reasons for absentee ballots
 15 rejection (non-provisionals)?"
 16 A That's correct.
 17 Q And line E, what is the
 18 number there?
 19 A One.
 20 Q Is it fair to say that that
 21 one refers to line 14 excluding absentee
 22 provisionals, do you see that?
 23 A I do, yes.
 24 MS. TENNELL: I object to the
 25 form.

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1 FREDDIE HARRIS
 2 A And any confusion on my part
 3 is because there is no place to put a reason
 4 why five were rejected.
 5 The only place to fill that
 6 is that -- is non-provisional, and that's
 7 the one.
 8 Q Right, would it be a
 9 reasonable interpretation of this that
 10 non-provisionals applies to line 14 that
 11 says specifically excluding absentee
 12 provisionals?
 13 MS. TENNELL: I object to the
 14 form.
 15 A That is correct.
 16 Q In other words, is it fair
 17 that actually line 14 is supposed to match
 18 the reasons for absentee ballots rejection
 19 line E?
 20 MS. TENNELL: I object to the
 21 form.
 22 A That's right.
 23 MR. FORD: I have nothing
 24 further.
 25 THE VIDEOGRAPHER: This

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1 FREDDIE HARRIS
 2 concludes the deposition of Freddie
 3 Harris.
 4 We are off the record at
 5 12:16.
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1 CERTIFICATE

2

3 I, the undersigned, a
 4 Certified Shorthand Reporter of the
 State of New York, do hereby
 certify:


5 That the foregoing
 6 proceedings were taken before me at
 the time and place herein set forth;
 7 that any witnesses in the foregoing
 proceedings, prior to testifying,
 8 were duly sworn; that a record of
 the proceedings was made by me using
 machine shorthand which was
 9 thereafter transcribed under my
 direction;

10 That the foregoing transcript
 is a true record of the testimony
 given.

11 Further, that if the
 12 foregoing pertains to the original
 transcript of a deposition in a
 federal case before completion of
 13 the proceedings, review of the
 transcript [] was [x] was not
 14 requested.

15 I further certify I am
 16 neither financially interested in
 the action nor a relative or
 17 employee of any attorney or party to
 this action.

18 IN WITNESS WHEREOF, I have
 19 this date subscribed my name.

20 

21 RPR, CRR

22

23

24

25

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1 FREDDIE HARRIS

2 DECLARATION UNDER PENALTY OF PERJURY

3 Case Name: LEAGUE OF WOMEN

4 VOTERS v. THURSTON

5 Date of Deposition: December

6 16, 2022.

7

8 I, FREDDIE HARRIS, hereby

9 certify under penalty of perjury

10 under the laws of the State of New

11 York that the foregoing is true and

12 correct.

13 Executed this _____ day of

14 _____, 2023, at

15 _____.

16

17 _____

18

19

20 FREDDIE HARRIS

21

22

23

24

25

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1 FREDDIE HARRIS

2 DEPOSITION ERRATA SHEET

3 Case Name: LEAGUE OF WOMEN

4 VOTERS v. THURSTON.

5 Name of Witness: FREDDIE

6 HARRIS

7 Date of Deposition: December

8 16, 2022.

9 Reason Codes: 1. To clarify

10 the record.

11 2. To conform to the facts.

12 3. To correct transcription

13 errors.

14 Page _____ Line _____ Reason _____
 From _____ to _____

15 Page _____ Line _____ Reason _____
 From _____ to _____

16 Page _____ Line _____ Reason _____
 From _____ to _____

17 Page _____ Line _____ Reason _____
 From _____ to _____

18 Page _____ Line _____ Reason _____
 From _____ to _____

19 Page _____ Line _____ Reason _____
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20 Page _____ Line _____ Reason _____
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23 Page _____ Line _____ Reason _____
 From _____ to _____

24 Page _____ Line _____ Reason _____
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25 Page _____ Line _____ Reason _____
 From _____ to _____

Page 141

1 FREDDIE HARRIS

2 DEPOSITION ERRATA SHEET

3 Page _____ Line _____ Reason _____
 From _____ to _____

4 Page _____ Line _____ Reason _____
 From _____ to _____

5 Page _____ Line _____ Reason _____
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15 Page _____ Line _____ Reason _____
 From _____ to _____

16 Page _____ Line _____ Reason _____
 From _____ to _____

17 _____ Subject to the

18 above changes, I certify that the

19 transcript is true and correct

20 _____ No changes have

21 been made. I certify that the

22 transcript is true and correct.

23

24 _____

25 FREDDIE HARRIS

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Exhibit 5

RETRIEVED FROM DEMOCRACYDOCKET.COM

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

-----X

CIVIL ACTION NO.: 5:20-cv-05174-PKH

LEAGUE OF WOMEN VOTERS OF ARKANSAS, et

al.,

Plaintiffs,

v.

JOHN THURSTON, IN HIS OFFICIAL CAPACITY

AS THE SECRETARY OF STATE OF ARKANSAS, et

al.,

Defendants.

-----X

VIDEOTAPED REMOTE VIDEOCONFERENCE

DEPOSITION TESTIMONY OF:

RENEE OELSCHLAEGER

December 6, 2022

Page 2	Page 4
<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFFS:</p> <p>4</p> <p>5 Rachel M. Tennell, Esq.</p> <p>6 Shannon Eddy, Esq. (via Zoom)</p> <p>7 Clara Correa, Esq. (via Zoom)</p> <p>8 DEBEVOISE & PLIMPTON</p> <p>9 919 Third Avenue</p> <p>10 New York, New York 10022</p> <p>11 rmtennell@debevoise.com</p> <p>12</p> <p>13</p> <p>14 FOR THE DEFENDANTS (via remote</p> <p>15 videoconference):</p> <p>16</p> <p>17 Brooks White, Esq.</p> <p>18 ARKANSAS ATTORNEY GENERAL'S OFFICE</p> <p>19 323 Center Street</p> <p>20 Little Rock, Arkansas 72201</p> <p>21 brooks.white@arkansasag.gov</p> <p>22</p> <p>23</p>	<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION BY: PAGE NO.</p> <p>4 Ms. Tennell 8</p> <p>5 Mr. Lester 162</p> <p>6 REEXAMINATION BY:</p> <p>7 Mr. Tennell 164</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 EXHIBITS</p> <p>14</p> <p>15 FOR THE PLAINTIFFS:</p> <p>16 Ex 1 Subpoena and Notice of Deposition 12</p> <p>17</p> <p>18 Ex 2 County Board of Election Commissioners Procedure Manual, 2022 30</p> <p>19</p> <p>20</p> <p>21 Ex 3 Training 2022 57</p> <p>22 Ex 4 Poll Worker Training 2020 63</p> <p>23 Ex 5 Absentee Ballot Application 70</p>
Page 3	Page 5
<p>1 FOR THE DEPONENT:</p> <p>2</p> <p>3 Brian Lester, Esq.</p> <p>4 WASHINGTON COUNTY ATTORNEY</p> <p>5 280 North College Avenue, Fifth Floor</p> <p>6 Fayetteville, Arkansas 72701</p> <p>7 blester@washingtoncountyar.gov</p> <p>8</p> <p>9</p> <p>10 ALSO PRESENT:</p> <p>11</p> <p>12 John Sims, videographer</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 Ex 6 November 2020 General Absentee Ballots Provisional 114</p> <p>2</p> <p>3</p> <p>4 Ex 7 FOIA Response 117</p> <p>5 Ex 8 Letter, December 5, 2020 131</p> <p>6 Ex 9 Notice, November 2020 135</p> <p>7 Ex 10 Ballot Disposition Report 145</p> <p>8 Ex 11 Letter, December 12, 2018 156</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

Page 6	<p>1 I, Lane C. Butler, a Court 2 Reporter and Notary Public, State of 3 Alabama at Large, acting as Notary, 4 certify that on this date, pursuant to 5 the Federal Rules of Civil Procedure, 6 there came before me via remote 7 videoconference from Fayetteville, 8 Arkansas, commencing at approximately 9 9:00 a.m. Central, on the 6th day of 10 December, 2022, RENEE OELSCHLAEGER, 11 witness in the above cause, for oral 12 examination, whereupon the following 13 proceedings were had: 14 15 THE VIDEOGRAPHER: We are on the 16 audio and video record. Today's date is 17 September 6th, 2022. The time is 18 approximately 9:02 a.m. This is the 19 videotaped deposition of Renee 20 Oelschlaeger. This is the case of League 21 of Women Voters of Arkansas, et al. v. 22 Thurston. My name is John Sims. I'm the 23 videographer out of Little Rock,</p>	Page 8	<p>1 witness. 2 3 RENEE OELSCHLAEGER, 4 having first been duly sworn, 5 was examined and testified as follows: 6 7 EXAMINATION BY MS. TENNELL: 8 Q. Okay. All right. Well, thank 9 you again for joining us today. My name 10 is Rachel, like I said on -- for the 11 record. I'm with Debevoise & Plimpton. 12 And today, we -- we represent the League 13 of Women Voters. And today, we're just 14 here to learn about what happens in 15 Washington County in regards to absentee 16 ballots, the canvassing process. And so 17 in particular, in this case, we are 18 challenging the absentee ballot 19 canvassing process with respect to lack 20 of notice and opportunity to cure for 21 signature, date, and address issues in 22 the state of Arkansas. 23 MR. WHITE: Let me make an</p>
Page 7	<p>1 Arkansas. 2 Would counsel please make a 3 record of your appearance. 4 MS. TENNELL: My name is Rachel 5 Tennell. I'm with Debevoise & Plimpton. 6 MR. LESTER: I'm Brian Lester, 7 the county attorney for Washington 8 County, Arkansas. 9 MR. WHITE: I'm Brooks White 10 with the Arkansas Attorney General's 11 Office, and I represent the defendants in 12 this matter. 13 MS. TENNELL: And I am joined by 14 my colleague Shannon Eddy, who is also 15 from Debevoise & Plimpton. 16 MR. EDDY: And we also have 17 Clara Correa, who is also from Debevoise 18 & Plimpton. 19 MR. WHITE: And I want the 20 record to reflect that Mr. Lester 21 represents the deponent. 22 THE VIDEOGRAPHER: Madam Court 23 Reporter, would you please swear in the</p>	Page 9	<p>1 objection for the record. I object to 2 any characterization of -- it's not a 3 question and I think it's inappropriate, 4 so -- and this is Brooks White. Thank 5 you. 6 Q. Okay. So to begin, can you 7 please state and spell your full name for 8 the record. 9 A. Okay. My name is Renee, 10 R-E-N-E-E, and the last name is 11 Oelschlaeger, and that's spelled 12 O-E-L-S-C-H-L-A-E-G-E-R, Oelschlaeger. 13 Q. Great. Okay. Thank you. I 14 want to be clear before we get started 15 that you are not a party to this case and 16 the purpose of our deposition, like I 17 said, is to just really learn about what 18 happens in Washington County's absentee 19 voting process, canvassing, et cetera, 20 and to just give us a better sense of 21 what goes on here. Okay? 22 So, have you ever been deposed 23 before?</p>

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1 A. No.

2 Q. Okay. So we'll start with a

3 quick overview, since you haven't been

4 deposed before, of a few important points

5 just to keep in mind as today progresses.

6 We can take a break whenever you

7 want. I just ask that you don't ask for

8 a break in between questions or answers.

9 So once a question or answer is finished,

10 you can ask for a break. And I'll make

11 sure that I let you finish your answer

12 before I ask another question. And I

13 would just ask that you also listen to my

14 question before you answer, and that will

15 make sure that our record is clear.

16 A. Okay.

17 Q. To that point, you'll notice we

18 have a court reporter via Zoom, and she

19 is going to be writing down everything

20 that's said in the room today, and that's

21 for recordkeeping purposes. And it's

22 important to verbalize your yes or nos

23 instead of shaking your head. You can

Page 11

1 shake your head and say "yes." You know

2 what I mean? But we need words to come

3 out of your mouth. Okay?

4 So -- and just to remind you

5 that your testimony today is being given

6 under oath and that it can be shown to a

7 judge or a jury in the future in

8 connection with all litigation.

9 A. Okay.

10 Q. Okay. So that makes all sense

11 to you?

12 A. Yes.

13 Q. Okay. Perfect. All right. So,

14 do you recall ever receiving a subpoena

15 to testify in this case?

16 A. In this case? Yes.

17 Q. Okay. Great. So I will just

18 pull --

19 MS. TENNELL: Madam Court

20 Reporter, for the record, we have the

21 deposition notice, a subpoena, so I will

22 hand one copy to the witness and one copy

23 to the State, and I will keep one copy

Page 12

1 for you, Madam Court Reporter.

2 Q. So this is -- do you recognize

3 this document?

4 (Plaintiff's Exhibit 1 was marked for

5 identification and is attached.)

6 A. Yes.

7 Q. So I will represent to you that

8 this is a true and accurate copy of the

9 subpoena that you were served on October

10 18th, 2022. So this is the subpoena that

11 you received; correct?

12 A. Yes.

13 Q. And when did you first see it?

14 (Witness reviews document.)

15 A. There was a copy of it that was

16 served at the courthouse. I don't know

17 the date.

18 Q. Okay.

19 A. And our -- one of our staff

20 members received it on my behalf.

21 Q. Okay.

22 A. But I don't remember the date.

23 Q. Do you remember what staff

Page 13

1 member it was?

2 A. Since I wasn't at the

3 courthouse, I'm not sure. I think maybe

4 our director, Jennifer Price, received

5 it, but someone may have received it

6 before her.

7 Q. Okay. And did you --

8 A. And just given it to her.

9 Q. And when did you first review

10 it? Do you remember?

11 A. No, I don't. She sent me an

12 e-mail copy of it.

13 Q. Okay. Other than your attorney

14 here, did you discuss this case with

15 anyone else?

16 A. No.

17 Q. Okay. All right. Thank you.

18 And I'll take this.

19 A. Okay.

20 MS. TENNELL: Can I have the

21 copy, please?

22 MR. WHITE: You're not going to

23 let me keep my copies?

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1 MS. TENNELL: We can e-mail you
 2 copies later.
 3 MR. WHITE: I was in one of
 4 these Friday, and they let me keep the
 5 copies. In my 22 years, I've never been
 6 in a deposition where they asked for my
 7 copies back.
 8 MS. TENNELL: Okay. That's
 9 okay. I'll let you keep the copies,
 10 then.
 11 MR. WHITE: Why would you not?
 12 MS. TENNELL: I can e-mail you,
 13 but if you want to keep a hard copy,
 14 that's fine.
 15 MR. WHITE: Is there a reason
 16 why you don't want me to keep it?
 17 MS. TENNELL: No reason, no.
 18 MR. WHITE: Then, why did you
 19 ask for it back?
 20 MS. TENNELL: Because I would
 21 just like all the papers back. But if
 22 you want to keep yours, that's fine.
 23 MR. WHITE: Okay.

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1 MS. TENNELL: All right.
 2 Q. (By Ms. Tennell) So a little bit
 3 of background. Do you live in Washington
 4 County?
 5 A. I do.
 6 Q. All right. And are you a
 7 registered voter in Washington County?
 8 A. I am.
 9 Q. Okay. And have you lived
 10 anywhere else besides Washington County?
 11 A. In Arkansas, do you mean?
 12 Q. Just in your life in general.
 13 A. In my life?
 14 Q. Uh-huh.
 15 A. Yes.
 16 Q. Okay. And where exactly have
 17 you lived?
 18 A. I've lived in St. Louis. I've
 19 lived in Chicago. I've lived in -- I
 20 guess it would be outside of Chicago, in
 21 Oak Park. I've lived in Benton County.
 22 I've lived in Dallas. And I've lived in
 23 Cedar Rapids, Iowa.

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1 Q. Okay.
 2 A. And those aren't in any
 3 particular order.
 4 Q. Okay. So currently, you are the
 5 chair of the Washington County Board of
 6 Election Commissioners; right?
 7 A. I am.
 8 Q. Okay. And have you always
 9 served as the chair --
 10 A. No.
 11 Q. -- of the Commission? No?
 12 Okay. So, how long have you been the
 13 chair?
 14 A. Three years maybe.
 15 Q. Three years? What year did you
 16 start?
 17 A. I can't give you a specific.
 18 2019 maybe, but I don't -- I can't.
 19 That's not significant enough for me to
 20 remember.
 21 Q. Oh. Why is it not significant?
 22 A. Well, just because there are
 23 more important things for me to remember.

Page 17

1 Q. Okay. Okay. So, how long have
 2 you served on the Commission in general
 3 besides being the chair?
 4 A. About 10 or 12 years total.
 5 There was a period of time when I was not
 6 on the Commission. But I think I started
 7 in 2008.
 8 Q. Okay.
 9 A. Or 2006.
 10 Q. 2006 or 2008?
 11 A. Maybe, yeah. Sorry, this is not
 12 a detail I thought you needed.
 13 Q. Okay. That's okay. So, were
 14 you elected as chair by two members of
 15 the Commission?
 16 A. Yes.
 17 Q. Okay. And you're appointed to
 18 the Commission by a political party?
 19 A. Correct.
 20 Q. Okay. And as chair, do you
 21 represent a political party?
 22 A. Yes. But I would add, in our --
 23 in our commission, we are not partisan at

Page 18

1 all.
 2 Q. Okay. And which party are you
 3 affiliated with?
 4 A. Republican.
 5 Q. Okay. Okay. So, is the other
 6 -- one of the other commissioners a
 7 Democrat --
 8 A. Yes.
 9 Q. -- and another Republican?
 10 A. Yes.
 11 Q. Okay. So the exact makeup of
 12 the Commission is two Republicans --
 13 A. Two Republicans, one --
 14 Q. -- one Democrat?
 15 A. Uh-huh.
 16 Q. Okay. All right. And is being
 17 a chair your full-time job?
 18 A. Oh, no.
 19 Q. No? Okay. All right. So what
 20 is your other occupation?
 21 A. Well, I'm a writer.
 22 Q. Oh, okay.
 23 A. And a wife.

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1 Q. Uh-huh.
 2 A. And until just last Wednesday, a
 3 business owner. Well, I mean, I guess
 4 technically, we still own our business.
 5 We've just shut it down.
 6 Q. Oh, okay. Okay. And so I
 7 guess, what do you write?
 8 A. Mostly poetry.
 9 Q. Okay. Any kind in particular?
 10 A. Sonnets.
 11 Q. Okay. And what kind of business
 12 did you, or do you still own?
 13 A. Printing business.
 14 Q. Printing?
 15 A. In -- in Springdale.
 16 Q. Say it again?
 17 A. In Springdale.
 18 Q. In Springdale. Okay. And I
 19 guess, what do you print? Just anything?
 20 A. Notepads, business cards,
 21 letterhead, envelopes, booklets, et
 22 cetera, a lot of -- a variety of things.
 23 Q. Okay. And how long have you

Page 20

1 been doing that?
 2 A. Thirty years.
 3 Q. Okay. So, were you the
 4 chairperson in 2020?
 5 A. Oh, boy.
 6 Q. That would be two years ago.
 7 A. I believe I was.
 8 Q. Okay. And were you the
 9 chairperson in 2018?
 10 A. I don't think I was at that
 11 point.
 12 Q. And where were you in 2018?
 13 Were you on the Commission?
 14 A. I was.
 15 Q. Okay.
 16 A. But I yielded to another member
 17 of the Commission at that -- somewhere in
 18 that.
 19 THE WITNESS: When did Bill die?
 20 MR. LESTER: I can't answer,
 21 sorry.
 22 THE WITNESS: Oh, I'm sorry.
 23 A. I'm sorry.

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1 Q. No, it's okay.
 2 A. I don't remember.
 3 Q. Okay. When you say you yielded
 4 to another person, did you -- were you
 5 elected and then you gave up your
 6 position or --
 7 A. Yes. Yes.
 8 Q. And what was the reason that you
 9 had to do that?
 10 A. I didn't have to.
 11 Q. Uh-huh.
 12 A. I wanted to give another member
 13 the experience of being the chairman.
 14 Q. Okay.
 15 A. It was a -- the kind thing to
 16 do.
 17 Q. Oh.
 18 A. Is that fair?
 19 Q. Sure. I guess I'm wondering why
 20 -- why that was the kind thing to do.
 21 Was -- what were the circumstances of
 22 this?
 23 A. Well, he had just been elected

Page 22

1 before that to the Commission and had
 2 gotten his feet wet on the Commission.
 3 And with respect to who he was as a
 4 friend and as a gentleman, I wanted to
 5 give him that opportunity to have that
 6 honor.
 7 Q. I see. Okay. And so, how long
 8 did he serve as chair?
 9 A. Maybe two years.
 10 Q. So until 2020?
 11 A. I'm not sure of the dates.
 12 Q. Okay.
 13 A. He died.
 14 Q. Oh. I'm sorry.
 15 A. And --
 16 Q. Okay.
 17 A. -- so it was -- actually, he had
 18 been defeated. He had -- he had run for
 19 reelection. That would have been --
 20 maybe that was in two -- 2019, and he
 21 wasn't reelected. And shortly
 22 thereafter, he died.
 23 Q. Wow. I'm sorry. What was his

Page 23

1 name?
 2 A. Bill Ackerman.
 3 Q. Okay. Okay. All right. And so
 4 after Mr. Ackerman passed away, you were
 5 back as chair?
 6 A. Well, no. I was -- since he was
 7 not reelected to the Commission by our
 8 party, another gentleman was elected in
 9 his place, and I became chairman when the
 10 Commission met. That would have been in
 11 January -- it might have been in January
 12 of 2019.
 13 Q. Okay. Got it.
 14 A. That's approximate.
 15 Q. Okay. All right. So, have you
 16 ever served as chair of the board of
 17 elections in another county besides --
 18 A. No.
 19 Q. -- Washington? No? Okay.
 20 Have you ever served at -- on
 21 the commission in another county --
 22 A. No.
 23 Q. -- besides Washington?

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1 A. No.
 2 Q. Okay. And so before you became
 3 chair, you were on the Commission in
 4 general. Did you --
 5 A. Correct.
 6 Q. -- have any other positions in
 7 Washington County before that?
 8 A. On the Election Commission or
 9 other --
 10 Q. In both the -- on the Election
 11 Commission and just in general in
 12 Washington County.
 13 A. When I first started on the
 14 Election Commission, I was the minor
 15 member. There were -- I was the
 16 Republican representative, and there were
 17 two Democrats at that time.
 18 Q. Uh-huh.
 19 A. And I -- I guess I served in
 20 that position maybe two years to begin
 21 and then later came back and did it
 22 again --
 23 Q. Okay.

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1 A. -- as -- but at that time, the
 2 Republicans were in the majority, and so
 3 I was one of two majority members.
 4 Q. When you came back?
 5 A. When I came back, yeah.
 6 Q. Okay. And you're -- you're
 7 saying you served on the Commission at
 8 that time?
 9 A. Correct.
 10 Q. And --
 11 A. Yes.
 12 Q. Did you serve in any other
 13 capacity in the Washington County Board
 14 of Elections --
 15 A. No.
 16 Q. -- before you were a
 17 commissioner?
 18 A. No.
 19 Q. Okay. Okay. Have you worked
 20 elections in any other capacity in
 21 Washington County?
 22 A. I have not.
 23 Q. Okay. So I guess, what made you

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1 want to be a commissioner in Washington
 2 County?
 3 A. This is an explanation here.
 4 Q. Go ahead.
 5 A. I served initially as a
 6 replacement for another Republican
 7 commissioner who the -- there was some
 8 objection because his father was running
 9 in an election, and so he went off of the
 10 Commission.
 11 Q. Okay.
 12 A. And I replaced him. And one
 13 thing that I appreciated about being an
 14 election commissioner was that I was able
 15 to be involved in the political process
 16 without the usual party interactions.
 17 Q. Uh-huh.
 18 A. And I -- I'm pretty standoffish
 19 about a lot of party politics. I don't
 20 like them. And so this was a good way to
 21 serve my community but not be involved in
 22 -- directly in politics itself.
 23 Q. I see. Okay. All right. And

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1 do you feel like that has stayed true --
 2 A. Yes.
 3 Q. -- today? Okay.
 4 Okay. So you haven't worked at
 5 polls on election days ever?
 6 A. Never.
 7 Q. Okay. And you haven't worked in
 8 early voting either?
 9 A. Never. I've just always been a
 10 voter until I became an election
 11 commissioner.
 12 Q. Okay. So -- and just to be
 13 clear for the record, you haven't worked
 14 as an absentee ballot clerk either?
 15 A. No.
 16 Q. Okay. And have you worked
 17 elections in any other state?
 18 A. No.
 19 Q. Okay. And have you held -- ever
 20 held a position on the state board of
 21 election commissioners in any other
 22 state?
 23 A. No.

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1 Q. Okay. Let's see. So, how many
 2 members are there on the Election
 3 Commission in Washington County?
 4 A. Three.
 5 Q. Okay. And can you just name the
 6 other commissioners?
 7 A. Sure. The other majority member
 8 is Jim Estes, E-S-T-E-S. And the
 9 minority member is Max Deitchler, and I
 10 think it's D-E-I-T-C-H-L-E-R.
 11 Q. Okay. And do you know how long
 12 each of them has served on the
 13 Commission?
 14 A. Jim has -- has been there not
 15 quite two years. I think it might be two
 16 years in January. And Max is maybe nine
 17 years. I'm not exact on that.
 18 Q. Okay. So, what are your
 19 responsibilities as a commissioner? And
 20 then next I'm going to ask you what your
 21 responsibilities are as the chair. So,
 22 what is your responsibilities as a
 23 commissioner?

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1 A. As a commissioner, we are tasked
 2 with conducting elections, and prior to
 3 conducting elections, developing the
 4 ballot and approving the ballot and
 5 essentially ensuring, as much as
 6 possible, that we have fair and accurate
 7 elections.
 8 Q. Okay. And what are your
 9 responsibilities as the chair
 10 specifically?
 11 A. As the chair, I determine what
 12 the agenda is in our meetings. I -- I
 13 interact with our director in planning
 14 what goes into each of those meetings and
 15 basically run the meetings.
 16 Q. Okay.
 17 MS. TENNELL: Okay. Madam Court
 18 Reporter, for the record, I am pulling
 19 Exhibit 2. And this is the County Board
 20 of Election Commissioners Procedure
 21 Manual, and I will show the witness this
 22 document, and I will pass a copy to the
 23 State.

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1 Q. Okay. Do you recognize this
 2 document?
 3 (Plaintiff's Exhibit 2 was marked for
 4 identification and is attached.)
 5 A. Yes.
 6 Q. Okay. And what is it?
 7 A. It is the way we run our
 8 elections. These are the instructions
 9 that we use in order to do so according
 10 to the law.
 11 Q. Okay. So at the bottom, there
 12 is a year for this edition. Can you tell
 13 me what year this manual edition is?
 14 A. 2022.
 15 Q. Okay. So let's turn to page 13
 16 of Exhibit 2.
 17 MR. LESTER: You're fine.
 18 MS. TENNELL: And for the
 19 record, this page is ending in Bates
 20 stamp 674.
 21 Q. And that's at the bottom here.
 22 A. Okay.
 23 Q. Okay. So you see this page.

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1 And if you look at the section that is
 2 titled -- let's see -- "Chair of County
 3 Board."
 4 A. Yes.
 5 Q. Okay. The first paragraph
 6 states that "The county board of election
 7 commissioners meets in an organi-" --
 8 "organizational meeting by February 28 in
 9 odd-numbered years to elect one member to
 10 serve as chair."
 11 A. Correct.
 12 Q. Okay. So, who calls that
 13 meeting?
 14 A. I think in the past, we haven't
 15 really called (indicating) a meeting.
 16 We've simply set a date in January when
 17 that meeting is to take place.
 18 Q. Okay.
 19 A. And that might even include the
 20 commissioner who might not be reelected
 21 by the end of January.
 22 Q. And are you saying January of
 23 the odd-numbered year?

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1 A. Yes.
 2 Q. Okay.
 3 A. Yes.
 4 Q. So, do you know approximately
 5 when? Is it January 2nd that you set a
 6 date?
 7 A. No. It's probably closer to the
 8 end of the month.
 9 Q. Okay.
 10 A. But it's not -- it's not
 11 specifically any date. It's after we
 12 have our party meetings and elections are
 13 held at the party meetings. And once
 14 those elections are finalized, then we
 15 know who the commissioners are for the
 16 next two years.
 17 Q. Uh-huh.
 18 A. Assuming nobody dies or leaves
 19 town or something.
 20 Q. Okay. So I guess, who would you
 21 rely on to set the meeting?
 22 MR. WHITE: Object to the form.
 23 Brooks White.

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1 A. The person who was the
 2 commissioner previously -- I mean, who
 3 was the chairman previously before the
 4 end of January.
 5 Q. Okay. So if you, let's say,
 6 stayed the chair in January 2023, you
 7 would rely on yourself --
 8 A. Yes.
 9 Q. -- to set the meeting?
 10 A. Yes.
 11 Q. Okay.
 12 A. And I would -- I would arrange
 13 with the other elected commissioners to
 14 set a date that was appropriate for
 15 them --
 16 Q. Okay.
 17 A. -- before February 28th.
 18 Q. Okay. And how would you, I
 19 guess, discuss that with them? Would you
 20 e-mail them?
 21 A. No. That would be done by our
 22 director. She takes care of the e-mails
 23 so no -- no commissioner is e-mailed by

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1 another commissioner.
 2 Q. I see. And who is the director?
 3 A. Jennifer Price.
 4 Q. Okay. So you do not e-mail --
 5 A. No.
 6 Q. -- the other commissioners?
 7 A. No.
 8 Q. Okay.
 9 A. That would be a violation of
 10 FOI.
 11 Q. And so you don't text them?
 12 A. No.
 13 Q. Okay. And you don't call them?
 14 A. No.
 15 Q. Okay. All right.
 16 A. All communication is handled
 17 through our director.
 18 Q. Okay. All right. So there's no
 19 listserv that Jennifer Price sends
 20 e-mails to? Or does she just put you all
 21 individually on the e-mail?
 22 A. When she's communicating with
 23 the commissioners, it's generally just

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1 the three commissioners who receive
 2 e-mails from her. She -- I think she has
 3 an e-mail list that she sends to the
 4 newspapers and things like that.
 5 Q. What do you mean by that?
 6 A. A broader list. When -- we have
 7 to announce our meetings.
 8 Q. Uh-huh.
 9 A. When we're having a meet- --
 10 when we schedule a meeting, the press is
 11 all -- it's an open meeting, and so the
 12 press is welcome to come to those
 13 meetings. And so if -- I mean, I'm not
 14 sure I know what a listserv is, but she
 15 has a list of people that immediately get
 16 an e-mail from her if we have a meeting
 17 or if we have something going on with the
 18 Commission.
 19 Q. Okay. Okay. And moving on, who
 20 appoints poll workers?
 21 A. We have recruitment that goes on
 22 every day of the year because we always
 23 need more poll workers. I don't know

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1 that I could say anybody specifically
 2 recruits people. We all do. And it's
 3 all directed through the election office.
 4 Q. What form, I guess, do you take
 5 in recruiting people?
 6 A. Word of mouth. I can't think of
 7 any other way.
 8 Q. Okay.
 9 A. We -- I think in some of our
 10 meetings, which are live-streamed, we
 11 say, "Hey, we need more poll workers."
 12 So if somebody's watching the live
 13 stream, they'll know.
 14 Q. I see. Okay. Have you, I
 15 guess, kind of solicited, you know, gone
 16 out and said, hey, neighbor so-and-so,
 17 would you like to be a poll worker?
 18 A. No. I actually don't do that.
 19 Q. Okay.
 20 A. If somebody mentions elections,
 21 I usually say, "If you would like to be a
 22 poll worker, call Jennifer Price."
 23 Q. Okay. Okay.

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1 A. Or call the election office.
 2 Q. Uh-huh. And what do poll
 3 workers do?
 4 A. Depending on their experience,
 5 because we have some who are supervisors,
 6 I think they actually -- we don't -- we
 7 don't call them what the statutes
 8 necessarily call them. But we have -- we
 9 have supervisors who will handle all of
 10 the election process at a particular
 11 site. Under them, we will have poll
 12 workers who are -- if you go into a poll,
 13 they'll usher you in. They'll direct you
 14 which way to go. They'll sign --
 15 depending on what their position is,
 16 they'll sign the poll book. Not -- not
 17 the poll worker, but the voter signs the
 18 poll book under the direction of the poll
 19 worker. They move in another line to get
 20 a ballot. And then the poll worker
 21 escorts them to a particular voting
 22 machine in order to allow them to do
 23 their voting.

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1 Q. I see. So the poll worker walks
 2 them to a booth to vote?
 3 A. Yes.
 4 Q. They don't -- the voter does not
 5 pick --
 6 A. No. No. Huh-huh. No. That's
 7 all done under the -- under the oversight
 8 of the poll worker.
 9 Q. Okay. And how many poll workers
 10 are assigned to each voting site?
 11 A. We have to have a minimum of
 12 four. And depending upon the number of
 13 machines and the -- and how many voters
 14 we expect to show up to that site, we
 15 might have ten or twelve machines there,
 16 but we may only have two or three.
 17 Q. Okay. So you may have ten or
 18 twelve machines, but there are times
 19 where you only have two or three?
 20 A. Correct, yeah.
 21 Q. Okay.
 22 A. Because some of our polling
 23 sites are very small. They're in a

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1 community where they just simply don't
 2 have a big turnout.
 3 Q. Uh-huh. Okay. I guess, has
 4 there been a time -- let's talk about the
 5 2020 election. Was there enough machines
 6 at each polling site in the 2020
 7 election, or did you receive, you know,
 8 word that there wasn't enough machines at
 9 a specific polling site?
 10 A. I don't think we ever had any
 11 problem with having enough machines. I
 12 may be wrong about that, but I don't
 13 recall any complaints.
 14 Q. Okay.
 15 A. We have -- we have vote centers,
 16 so you can go to any polling site in the
 17 county.
 18 Q. Okay. And are each poll worker,
 19 are they affiliated with a specific
 20 party?
 21 A. No. We don't -- we don't choose
 22 them according to party.
 23 Q. Okay.

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1 A. And as far as I know, there's --
 2 that's never made an issue.
 3 Q. Okay. And so a new set of poll
 4 workers are appointed before each
 5 election, then. Is that correct?
 6 A. No, not necessarily. We have
 7 people who've worked for -- in the polls
 8 for many years, and they -- they love it.
 9 They want to work there, so we love to
 10 have them back.
 11 Q. That makes sense. And so every
 12 -- before every election, it's not as if
 13 someone who worked a poll last election
 14 is just going to automatically be a poll
 15 worker?
 16 A. Oh. No.
 17 Q. They have to assign that?
 18 A. Right.
 19 Q. Okay.
 20 A. Yeah. Our director is always
 21 connecting with the poll workers, with
 22 the supervisors at each poll. She knows
 23 them. And if there's any kind of an

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1 issue -- some of them are getting older,
 2 so they -- they say, "Well, maybe you
 3 better count me out this time." So she
 4 has -- that's part of her ongoing job, is
 5 making sure that every poll has the
 6 required number and a good supervisor who
 7 knows what's going on to handle things.
 8 Q. Okay. And so each poll site has
 9 one supervisor, and Jennifer Price also
 10 puts that supervisor at the poll?
 11 A. Yes.
 12 Q. Okay.
 13 A. At least one supervisor. Some
 14 of them, depending on the size, have
 15 more.
 16 Q. Okay.
 17 A. And given that there are times
 18 when people get sick, you have to have
 19 somebody to cover for who the appointed
 20 supervisor is.
 21 Q. Uh-huh.
 22 A. And Jennifer takes care of that.
 23 Q. Okay. Okay. So, how is the

Page 42

1 county clerk appointed?
 2 A. She's elected.
 3 Q. Okay. And what --
 4 A. In a regular election.
 5 Q. Okay. And what are the duties
 6 of the county clerk?
 7 A. I couldn't tell you. I've never
 8 worked in the county clerk's office.
 9 Q. Uh-huh.
 10 A. I know the county clerk, but --
 11 and, you know, she's great, but I don't
 12 have any idea what she does.
 13 Q. Okay.
 14 A. A lot.
 15 Q. Okay. What is her name?
 16 A. It's her name is Becky Lewallen,
 17 L-L-E-W-E-L-Y-N [sic], I think.
 18 Q. Okay. And how are the absentee
 19 ballot clerks appointed?
 20 A. I don't know.
 21 Q. Okay. Do you know what their
 22 duties are?
 23 A. I would have to have a specific

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1 definition of what -- what did you call
 2 it? An absentee clerk?
 3 Q. Absentee ballot clerk.
 4 A. An absentee ballot clerk. I'd
 5 have to know -- I know what some of them
 6 do. I don't know if they fit in your
 7 definition of an absentee ballot clerk.
 8 Q. Okay. Can you describe what you
 9 think they do in Washington County, what
 10 absentee ballot clerks do?
 11 MR. WHITE: Object to form.
 12 Brooks White.
 13 A. Yeah. I don't -- I don't want
 14 to specify because I could be totally
 15 wrong about that.
 16 Q. Okay.
 17 MR. LESTER: You want to tell
 18 her what an absentee ballot clerk is
 19 according to what you're asking?
 20 MS. TENNELL: We're going to get
 21 through some questions. Thank you.
 22 Q. Okay. So, who is the current
 23 election coordinator?

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1 A. That would be Jennifer Price.
 2 She -- your battery is running low.
 3 She's the director of elections
 4 for Washington County.
 5 Q. Okay. And what does the
 6 coordinator do?
 7 A. What doesn't she do? She is
 8 amazing. She communicates with all of
 9 the commissioners. She organizes the --
 10 and this is not going to be a complete
 11 list.
 12 Q. Okay.
 13 A. She organizes all of the
 14 equipment that we have, makes sure it's
 15 maintained, makes sure it's operational
 16 for the election, stores all kinds of
 17 things. Let's see. She communicates
 18 with the public. There are so many
 19 things that she does that I can't really
 20 give you a lot of -- I'm not able to give
 21 a job description. It's just monumental.
 22 Q. Okay.
 23 A. And she does it well.

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1 Q. Well, that's great. Okay.
 2 Okay. So let's turn to page 14
 3 of this Exhibit 2 that you have in front
 4 of you. And this is the -- what's, for
 5 the record, County Board of Election
 6 Commissions Procedure Manual 2022
 7 Edition. And this page is Bates stamp
 8 ending in 675.
 9 A. Okay.
 10 Q. Okay. So under the first
 11 section on this page, there is a header
 12 that says "Qualifications."
 13 A. Uh-huh.
 14 Q. Okay. And it states that "To
 15 serve on the county board of election
 16 commissioners, a commissioner must";
 17 right? And then if you go down to the
 18 fourth and fifth bullet --
 19 A. Okay.
 20 Q. -- it says, "Attend election
 21 training conducted by the State Board of
 22 Election Commissioners prior to a
 23 regularly scheduled preferential primary

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1 election," and then the fifth bullet
 2 says, "Attend additional interim
 3 training, if deemed necessary and
 4 appropriate by the State Board."
 5 A. Yes.
 6 Q. Okay. Are you familiar with
 7 this qualification?
 8 A. I am.
 9 Q. And has that always been a
 10 qualification?
 11 A. You know, I plead ignorance. I
 12 don't know.
 13 Q. Okay. Did you have to attend
 14 any training in prior years?
 15 A. Yes.
 16 Q. And did you attend training in
 17 2020?
 18 A. Yes. That would have been prior
 19 to the general election and the primary
 20 in March, I guess.
 21 Q. So you attended training before
 22 March?
 23 A. Yes. But I can't tell you a

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1 day. I don't remember. I just remember
 2 that we did.
 3 Q. Okay. Did you attend training
 4 in 2018?
 5 A. Yes.
 6 Q. Okay. And did you attend
 7 training before the election in 2018?
 8 A. I would say yes, but I -- I
 9 should have brought my calendar. I don't
 10 have any dates.
 11 Q. Uh-huh. Okay. Let's turn to
 12 page 19 of the same exhibit, Exhibit 2.
 13 Okay. And the first section on page 19
 14 -- this is Bates stamp ending in 680 --
 15 it says "Notification." Do you see that?
 16 A. Yes.
 17 Q. Okay. And so it states that
 18 "The chair of the county board of
 19 election commissioners must notify each
 20 member of the county board of all
 21 meetings."
 22 A. Yes.
 23 Q. Okay. So a question about this.

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1 You said that you don't usually notify
 2 the commissioners. Jennifer Price does.
 3 A. It's always done through the
 4 director of elections because we want to
 5 be sure we do not run into FOI problems.
 6 Q. Okay.
 7 A. Or even the accusation of FOI
 8 problems.
 9 Q. Can you tell me what FOI means?
 10 A. Freedom of Information.
 11 Q. Okay. Okay. Okay. So then the
 12 next section, it says "Quorum." And it
 13 says that "Two members of the county
 14 board of election commissioners shall
 15 constitute a quorum." Are you familiar
 16 with that rule?
 17 A. Yes.
 18 Q. Okay. And then the third
 19 section is "Voting." And it says that
 20 "Each member of the county board of
 21 election commissioners has one vote, and
 22 two concurring votes shall decide any
 23 questions before the county board, unless

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1 a unanimous vote is otherwise required by
 2 law."
 3 And you're familiar with that?
 4 A. Yes.
 5 Q. Okay. All right. Do you and
 6 the other two commissioners have any
 7 responsibilities over the absentee
 8 ballots?
 9 A. Ultimately, yes.
 10 Q. And what -- what would you say
 11 those responsibilities are?
 12 A. Well, let's see. I'm not going
 13 to be complete on that because it's all
 14 kind of a seamless process. But we
 15 ensure, first of all, that all of the
 16 ballots are secured.
 17 Q. Uh-huh.
 18 A. And then when it comes to
 19 removing them from the absentee box, we
 20 make sure that they're properly canvassed
 21 and that the ones that are eligible to
 22 have their votes counted, the ballots
 23 counted for them, because they -- well,

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1 they have to be canvassed to make sure
 2 they followed the law in the absentee
 3 part of the statute.
 4 Q. Uh-huh.
 5 A. And then we make sure that
 6 they're properly counted. Maybe -- maybe
 7 perhaps more accurately, properly handled
 8 in order to be counted properly.
 9 Q. Okay.
 10 A. And then we make sure and handle
 11 all the peripheral materials, keeping
 12 them with the absentee ballot so that if
 13 there's ever a question, there always --
 14 there's a -- there's a chain of custody
 15 involved there. I don't know if I'm
 16 answering your question.
 17 Q. That was -- that was fine.
 18 A. Okay.
 19 Q. That was an answer. Okay.
 20 And so when you are, you know,
 21 doing all the responsibilities that you
 22 described around the absentee ballots,
 23 are all three commissioners present for

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1 that -- for those procedures?
 2 A. No. When it comes to the
 3 initial canvas of the absentee ballots,
 4 we have absentee canvassers who handle
 5 those with -- under the oversight of our
 6 director of elections and one
 7 commissioner. And once -- because --
 8 well, depending on the election. In
 9 2020, we had over 13,000 absentee
 10 ballots, and it was much more than we
 11 normally deal with.
 12 Q. Uh-huh.
 13 A. But we -- where was I? We have
 14 one commissioner who supervises with the
 15 elec- -- the director of elections, and
 16 the absentee canvassers handle those. If
 17 there's any doubt as to whether or not
 18 they have -- the voter has properly
 19 filled out the forms, included the forms,
 20 and so forth, those are set aside. And
 21 then the three commissioners will deal
 22 with those when the time comes to move to
 23 the next step.

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1 Q. Okay. So just to be clear, the
 2 one commissioner who's present during
 3 these initial procedures --
 4 A. Yes.
 5 Q. -- doesn't actually make any
 6 decisions --
 7 A. No.
 8 Q. -- if there's a doubt?
 9 A. No.
 10 Q. Okay. They put it to the side?
 11 A. And we don't allow the
 12 canvassers to make a decision, either.
 13 They're simply there to open envelopes,
 14 to sort the material, to make sure that
 15 there's a voter statement, that there's a
 16 voter -- a ballot, absentee ballot
 17 application, and that there's a
 18 ballot-only envelope where hopefully the
 19 ballot is, and they look for the voter
 20 ID.
 21 Q. Okay. All right. Is there a
 22 time that you can recall when maybe more
 23 than one commissioner was there for that

Page 53

1 initial process?
 2 A. I can't recall.
 3 Q. Okay.
 4 A. It's possible.
 5 Q. Okay. And is that a similar
 6 process when you're reviewing provisional
 7 ballots?
 8 A. No. Provisional ballots are
 9 handled on election night when all three
 10 commissioners are gathered in a meeting,
 11 we -- we take time to do provisionals.
 12 Q. Okay.
 13 A. They're basically set aside
 14 until then.
 15 Q. Okay. And who is in the room
 16 other than the commissioners when you're
 17 reviewing absentee ballots in the second
 18 phase?
 19 A. It's an open meeting.
 20 Q. And that means that the public
 21 is invited?
 22 A. The public is invited. It's
 23 live-streamed. We have staff in

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1 attendance, and it's a rather -- it can
 2 be a large meeting. It isn't always.
 3 Q. Okay. And this live stream, is
 4 it a YouTube live stream?
 5 A. Yes.
 6 Q. Okay.
 7 A. Yes.
 8 Q. Is there any other platforms
 9 it's on?
 10 A. I don't know. That's where I
 11 access it.
 12 Q. Okay. All right. So, do the
 13 commissioners vote to decide whether to
 14 count absentee ballots in that second
 15 phase?
 16 A. I'm not sure I understand your
 17 question.
 18 Q. So when the initial -- when the
 19 ballots are set aside after they're
 20 reviewed by the absentee ballot clerks
 21 and there might be a question about them
 22 and they're set aside for you three to
 23 review, the commissioners, do you have to

Page 55

1 vote on whether that absentee ballot has
 2 all of the requirements to be counted?
 3 MR. WHITE: Object to form.
 4 Brooks White.
 5 A. I don't think we vote. I think
 6 we simply say we're going to handle the
 7 absentee ballots now. The question isn't
 8 clear, forgive me.
 9 Q. Okay. We will get to some more
 10 specifics later on. Okay.
 11 Okay. So in this same exhibit,
 12 Exhibit 2, can you just turn to page 28.
 13 And for the record, this is Bates stamp
 14 ending in 689. And this section kind of
 15 in the middle of the page is titled
 16 "Training."
 17 A. Okay.
 18 Q. And this section starts on page
 19 28, and it goes until the middle of page
 20 30 right before the header "Candidates."
 21 A. Okay.
 22 Q. Okay. Okay. So just take a --
 23 take a quick look at that, and let me

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1 know when you're ready.
 2 (Witness reviews document.)
 3 A. I'm ready.
 4 Q. Okay. All right. So on page 28
 5 under the "Mandatory Statewide" header,
 6 it says that "The State Board of Election
 7 Commissioners is required to train and
 8 test county election commissioners and
 9 county election coordinators, and
 10 coordinate training for poll workers and
 11 county clerks or the county clerk's
 12 designee before every preferential
 13 primary election."
 14 Okay. All right.
 15 MS. TENNELL: Okay. So, Madam
 16 Court Reporter, for the record, I am
 17 introducing Exhibit 3, and I will hand
 18 one copy to the witness, and I'll hand
 19 one copy to the State.
 20 MR. WHITE: Thank you.
 21 MS. TENNELL: Okay. And I will
 22 represent for the record that this is
 23 titled the "2022 County Board of Election

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1 Commissioners Training."
 2 Q. Do you recognize this document?
 3 (Plaintiff's Exhibit 3 was marked for
 4 identification and is attached.)
 5 A. I can't say this is the same
 6 document, but I recognize similar
 7 documents to this.
 8 Q. Okay. Is this --
 9 A. Without -- without going through
 10 the whole thing, I have no way of knowing
 11 if this is what we've used.
 12 Q. Is this a similar document that
 13 you received by the State Board of
 14 Election Commissioners?
 15 A. I would have to say perhaps.
 16 Q. Okay. How do you usually
 17 receive it? Do you receive it via
 18 e-mail, or do they mail it to you?
 19 MR. WHITE: Object to form.
 20 Brooks White.
 21 A. I believe if we had something
 22 like this, it was -- it was presented to
 23 us in training.

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1 Q. Uh-huh.
 2 A. And perhaps on a screen.
 3 Q. Okay. So virtual training?
 4 A. Yes. No. No. Because our last
 5 training, the State Board of Election
 6 Commissioners' officials were here.
 7 Q. Okay.
 8 A. And did a wide group of election
 9 offices training.
 10 Q. Okay. So you were present in
 11 the room --
 12 A. Correct.
 13 Q. -- and they may have showed this
 14 on the screen?
 15 A. Or something similar.
 16 Q. Okay. And you mentioned you
 17 were trained before the 2020 elections
 18 and then you were also trained before the
 19 2018 elections, so this may have been
 20 something that you were shown in those
 21 trainings?
 22 A. It may have been, yes.
 23 Q. Okay. And how are you notified

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1 of a training?
 2 A. Generally, I'm going to say, by
 3 e-mail.
 4 Q. Okay. And do you understand
 5 that the trainings are mandatory?
 6 A. Yes.
 7 Q. Okay. And can you give me an
 8 estimate of how many trainings you've
 9 attended?
 10 A. Gosh, I have no idea.
 11 Q. Okay.
 12 A. I couldn't even estimate.
 13 Q. Okay. But you're -- but at
 14 least two?
 15 A. Oh, gosh, yeah. Yeah.
 16 Q. Okay.
 17 A. Many more than that.
 18 Q. Okay. So, who's present at the
 19 trainings?
 20 A. Members from the county -- or
 21 the State Board of Election
 22 Commissioners, the staff there that does
 23 the training, election officials from the

Page 60

1 various counties that participate in
 2 that. I think we've had some county
 3 clerks as well, but it varies from
 4 meeting to meeting.
 5 Q. I see. And so when you say
 6 "various counties," all counties are
 7 invited or only specific --
 8 A. It would be -- it would be a
 9 regional meeting.
 10 Q. Regional. Okay. And what would
 11 be the region for Washington County?
 12 A. Northwest Arkansas.
 13 Q. Okay. Do you know specifically
 14 what counties are represented in
 15 northwest Arkansas?
 16 A. It could be anywhere from three
 17 to eight different counties. You want me
 18 to try and name some of them?
 19 Q. If you could.
 20 A. Okay. Benton, Washington,
 21 Carroll, Sebastian, Madison. I feel like
 22 we've had some people from Boone County,
 23 but I -- let me hesitate here because I

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1 want to clarify that we also have
 2 regional meetings that are not sponsored
 3 by the State Board of Election
 4 Commissioners and that we -- we host
 5 those meetings in order to disseminate
 6 information to the other election
 7 commissions and the people who conduct
 8 elections. We feel like if we've learned
 9 something in conducting our election, we
 10 want to share it with other counties.
 11 Q. I see.
 12 A. And so we have regional
 13 meetings. And I may be confusing the
 14 two.
 15 Q. I see. Okay. And I guess, how
 16 often would you say you have regional
 17 meetings?
 18 A. We try to do it quarterly. In
 19 election years, it doesn't always work
 20 out that way.
 21 Q. Uh-huh. You might have less in
 22 election years?
 23 A. Yes. Yes.

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1 Q. Okay.

2 A. Because counties are conducting

3 their elections.

4 Q. Uh-huh. Right.

5 A. And preparing for their

6 elections.

7 Q. Uh-huh. Okay. Do you recall

8 whether the secretary of state's office

9 is involved in the trainings?

10 A. I can't recall.

11 Q. Okay.

12 A. I know I've met some of the

13 secretary of state election people.

14 Q. Uh-huh.

15 A. But I don't know if it's been

16 here or when I went to Little Rock --

17 Q. Okay.

18 A. -- for that.

19 Q. Okay. All right. All right.

20 MS. TENNELL: Okay. Madam Court

21 Reporter, I am introducing Exhibit 4 into

22 the record. And this is titled "2020

23 Poll Worker Training." I'm going to hand

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1 one copy to the witness, and I'm going to

2 hand one copy to the State, and I'm going

3 to keep one copy here. Okay. And I will

4 represent for the record that this is a

5 training packet by the State Board of

6 Election Commissioners.

7 Q. And do you recognize this

8 document?

9 (Plaintiff's Exhibit 4 was marked for

10 identification and is attached.)

11 A. I recognize that it is like

12 documents we've put together.

13 Q. Okay.

14 A. I can't say that I've seen this

15 whole document.

16 Q. Okay.

17 A. It's similar to documents I've

18 seen.

19 Q. Okay. So we're -- I'll ask a

20 few more questions.

21 A. Okay.

22 Q. And then we'll take our first

23 break.

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1 A. Okay.

2 Q. Okay. So, are poll workers

3 trained?

4 A. Yes. Absolutely.

5 Q. Okay. And how would you say

6 they're trained?

7 MR. WHITE: Object to the form.

8 Brooks White.

9 A. How are they trained?

10 Q. Yes. Is there like a written

11 exam? Is there a -- maybe a training

12 session?

13 MR. WHITE: Object to the form.

14 Brooks White.

15 A. Our poll workers are trained

16 repeatedly. They -- they desire

17 additional training always for making

18 sure that they have the process

19 understood and that they haven't

20 forgotten anything between elections.

21 Q. Okay.

22 A. And sometimes they need

23 refresher courses. So this -- the

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1 training is ongoing. I guess that's the

2 easiest way to address that.

3 Q. And "ongoing" would be at least

4 annually?

5 A. Oh, absolutely.

6 Q. Okay. Do you know if poll

7 workers are required to take a written

8 exam to be a poll worker?

9 A. I don't know. No, I don't think

10 to be a poll worker, but -- but I

11 don't know. They will not want to work

12 if they're not adequately trained, so we

13 ensure that if they're uncomfortable with

14 part of the process, that they get the

15 instruction that they need.

16 Q. Okay. So, do you design the

17 training for the poll workers, or do any

18 other commissioners design the training

19 for the poll workers?

20 A. No, we do not.

21 Q. Okay.

22 A. But we -- we have oversight.

23 Q. Okay. Okay. And we'll take a

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1 break.
 2 A. Okay.
 3 Q. How long do you need? Ten
 4 minutes?
 5 A. Ten is fine.
 6 Q. Okay.
 7 MS. TENNELL: So we will take a
 8 ten-minute break, Madam Court Reporter.
 9 THE VIDEOGRAPHER: We're going
 10 off the record. The time is
 11 approximately 10:07 a.m.
 12 (Break taken.)
 13 THE VIDEOGRAPHER: We are back
 14 on the record. The time is approximately
 15 10:20.
 16 Q. (By Ms. Tennell) Okay. So let's
 17 jump back into (inaudible).
 18 THE COURT REPORTER: I'm sorry,
 19 I can't hear. Just a minute.
 20 Q. In Arkansas, did they have to
 21 provide some personal identifiable
 22 information, such as state of birth?
 23 THE COURT REPORTER: I'm sorry,

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1 I can't hear. There you go. I'm sorry.
 2 MS. TENNELL: I apologize.
 3 THE COURT REPORTER: Could you
 4 restart the question again? I apologize,
 5 it went in and out.
 6 MS. TENNELL: No, no problem. I
 7 will start the question over again.
 8 Q. (By Ms. Tennell) So we were
 9 talking about voter registration.
 10 A. Okay.
 11 Q. And when a voter registers to
 12 vote in Arkansas, do they have to provide
 13 any personally identifying information,
 14 such as name, address, date of birth?
 15 A. All of the above.
 16 Q. Okay. And do they need to
 17 provide their Social Security number?
 18 A. Oh, I don't think so.
 19 Q. Okay. Do they need to provide a
 20 driver's license or a state ID?
 21 A. Some form of identification that
 22 is recognized by the secretary of state's
 23 office.

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1 Q. Uh-huh. Okay. And does a voter
 2 need to sign the voter registration form?
 3 A. Are you talking about the
 4 physical, the piece of paper that goes to
 5 the State? Yes, I believe there is a
 6 signature on that.
 7 Q. Okay. And do they need to
 8 include their full name on the voter
 9 registration form?
 10 A. As far as I know. I haven't
 11 looked at one lately.
 12 Q. Okay. Do they need to provide
 13 their address on the voter registration
 14 form?
 15 MR. WHITE: Object to form.
 16 Brooks White.
 17 A. A mailing address, I believe.
 18 Q. And just out of curiosity, what
 19 is the reason that a voter would need to
 20 provide an address, a name, and a date of
 21 birth on a voter registration form?
 22 MR. WHITE: Object to the form.
 23 Brooks White.

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1 A. I can only say that this is part
 2 of the statute. The county clerk
 3 receives the name and sends a voter
 4 registration card to the voter, and the
 5 -- and the address that's given is the
 6 one that they send it to. And if it
 7 comes back, we don't have a good -- or
 8 the county clerk doesn't have a good
 9 address. It's more of a common sense
 10 thing.
 11 Q. Okay. Would you say that this
 12 is some form of voter identity?
 13 MR. WHITE: Object to the form.
 14 Brooks White.
 15 A. The address?
 16 Q. Just providing all of this, the
 17 name, the address, the date of birth, is
 18 this to verify a voter's identity?
 19 MR. WHITE: Object to form.
 20 Brooks White.
 21 A. I can't say.
 22 Q. Okay.
 23 A. It's just what we're required to

Page 70	<p>1 do.</p> <p>2 Q. Okay. Okay.</p> <p>3 MS. TENNELL: And, Madam Court</p> <p>4 Reporter, for the record, I am pulling</p> <p>5 Exhibit 5. Let's see. Exhibit 5 is an</p> <p>6 Arkansas Application for Absentee Ballot,</p> <p>7 and I'm going to hand one copy to the</p> <p>8 witness, and I'm going to hand one copy</p> <p>9 to the State.</p> <p>10 Q. Do you recognize this document?</p> <p>11 (Plaintiff's Exhibit 5 was marked for</p> <p>12 identification and is attached.)</p> <p>13 A. It looks familiar. I can't say</p> <p>14 it is specifically what we use, but it</p> <p>15 looks similar.</p> <p>16 Q. Okay. And so this looks similar</p> <p>17 to an Arkansas Application for Absentee</p> <p>18 Ballot you've seen?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Who can request this</p> <p>21 application?</p> <p>22 A. The voter.</p> <p>23 Q. Okay. Does a voter need to be</p>	Page 72	<p>1 on the record. The time is approximately</p> <p>2 10:30 a.m.</p> <p>3 Q. (By Ms. Tennell) Okay.</p> <p>4 A. All right.</p> <p>5 Q. So before we took a small break,</p> <p>6 we were talking about the Arkansas</p> <p>7 Application for Absentee Ballot.</p> <p>8 A. Uh-huh.</p> <p>9 Q. Okay. And you were saying that</p> <p>10 you've seen something similar to this?</p> <p>11 A. I have seen a similar form, yes.</p> <p>12 Q. Okay.</p> <p>13 A. I can't verify this is the exact</p> <p>14 form.</p> <p>15 Q. Okay. And I think the last</p> <p>16 question I asked was, does a voter need</p> <p>17 to be registered in Arkansas to receive</p> <p>18 this application for absentee ballot?</p> <p>19 A. I can't say. All I know is</p> <p>20 that's handled by the county clerk's</p> <p>21 office.</p> <p>22 Q. Uh-huh. Okay. So, does anyone</p> <p>23 at the Election Board look at this type</p>
Page 71	<p>1 registered to vote in Arkansas to receive</p> <p>2 an absentee application?</p> <p>3 MR. LESTER: I'm going to object</p> <p>4 to the foundation only because I don't</p> <p>5 know that you've -- we've -- and then</p> <p>6 this -- I probably should have done this</p> <p>7 a little bit earlier. This is Brian</p> <p>8 Lester, by the way -- that this witness</p> <p>9 has the requisite knowledge of this</p> <p>10 particular form or even the voter</p> <p>11 registration. So if you could lay a</p> <p>12 better foundation as to her knowledge of</p> <p>13 that. And if you want to go off the</p> <p>14 record for a second and have a</p> <p>15 conversation outside the presence of the</p> <p>16 witness, I'd be happy to do so.</p> <p>17 MS. TENNELL: Okay. Can we go</p> <p>18 off the record.</p> <p>19 THE VIDEOGRAPHER: We're going</p> <p>20 off the record. The time is</p> <p>21 approximately 10:26 a.m.</p> <p>22 (Discussion held off the record.)</p> <p>23 THE VIDEOGRAPHER: We are back</p>	Page 73	<p>1 of application for absentee ballot?</p> <p>2 A. We only see this after the</p> <p>3 absentee ballots have been confirmed by</p> <p>4 the county clerk's office. And we only</p> <p>5 see it in the envelope when that is</p> <p>6 submitted to be canvassed and opened and</p> <p>7 counted.</p> <p>8 Q. Uh-huh. Okay. So, does the</p> <p>9 Commission accept an application for</p> <p>10 absentee ballot, or have you seen an</p> <p>11 application for absentee ballot that is</p> <p>12 not on this form?</p> <p>13 MR. WHITE: Object to the form.</p> <p>14 Brooks White.</p> <p>15 A. Can you reask your question?</p> <p>16 MR. WHITE: You asked her two</p> <p>17 questions.</p> <p>18 A. Yeah, that's what I'm kind of</p> <p>19 confused by. Go ahead.</p> <p>20 Q. Have you seen an application for</p> <p>21 absentee ballot --</p> <p>22 A. Yes.</p> <p>23 Q. -- that is -- that is not on</p>

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1 this type of form, maybe just on a piece
 2 of paper, that's not this kind of
 3 application?
 4 A. I can't recall that I have.
 5 Q. Okay. Does the Washington
 6 Election Board accept absentee ballot
 7 applications where a voter calls in
 8 instead of writing down their answers?
 9 MR. WHITE: And object to the
 10 form. Brooks White.
 11 A. We're not involved in that part
 12 of the process. This is all through the
 13 county clerk's office.
 14 Q. Uh-huh.
 15 A. We only receive these after the
 16 fact.
 17 Q. Uh-huh. And so you receive
 18 these after the fact, and you compare
 19 this completed application to the voter
 20 statement that the voter sends in. Is
 21 that correct?
 22 A. That is correct.
 23 Q. Can you describe a little bit

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1 about that comparison process?
 2 MR. WHITE: Object to the form.
 3 Brooks White.
 4 A. We look at the name. We look at
 5 the address. We look at the date of
 6 birth. All of -- all of those things are
 7 on the voter statement.
 8 Q. Uh-huh.
 9 A. And, I mean, we look for
 10 similarities between the voter statement
 11 and the application.
 12 Q. Uh-huh.
 13 A. Does that answer your question?
 14 Q. Yes. And on the bottom of this
 15 form, it says "Signature of Absentee
 16 Voter." Do you see that?
 17 A. Yes.
 18 Q. Do you look at that signature
 19 that's there as well?
 20 A. We do.
 21 Q. Okay. So like you were saying,
 22 once an application is accepted, the
 23 voter is mailed an absentee ballot;

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1 right?
 2 MR. WHITE: Object to the form.
 3 Brooks White.
 4 A. Again, that's handled in the
 5 county clerk's office.
 6 Q. Uh-huh. Okay. So, who is
 7 responsible for mailing out the absentee
 8 ballots?
 9 MR. WHITE: Object to the form.
 10 Brooks White.
 11 A. Somebody in the county clerk's
 12 office.
 13 Q. Okay. Okay. So let's look at
 14 Exhibit 4, which is this 2020 Poll Worker
 15 Training. Okay. And let's turn to page
 16 142, which, for the record, is Bates
 17 stamp ending in 895.
 18 Okay. So, do you see this page?
 19 It says "Absentee Ballot Processing."
 20 A. Yes.
 21 Q. Okay. All right. So on this
 22 page, it says, "Specifically, we'll
 23 cover," and then the second bullet is

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1 "Canvassing Absentee Ballots." Can you
 2 describe what canvassing absentee ballots
 3 means?
 4 A. You want the whole process?
 5 Q. Just give me your description.
 6 MR. WHITE: Object to form.
 7 Brooks White.
 8 A. We open -- or we -- excuse me.
 9 All of the absentee ballots are put in a
 10 secured box, a metal box (indicating). I
 11 believe that there is probably a seal on
 12 it, and there's a little slot where they
 13 put the ballots. They drop them in.
 14 That is opened. They're sorted.
 15 Oftentimes, they're sorted by last name.
 16 Q. Okay.
 17 A. Because the outside envelope has
 18 -- the county clerk has an address label
 19 that is on the upper left corner that has
 20 the name of the absentee ballot voter.
 21 Those are sorted. Those are eventually
 22 -- if you go down to the county
 23 courthouse, they're doing that right now.

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1 Or maybe they've finished.
 2 Eventually, they are -- the
 3 outer envelope is opened.
 4 Q. Uh-huh.
 5 A. A canvasser will check to make
 6 sure particular items are included
 7 inside. If there are forms not included
 8 inside, necessary forms, those are set
 9 aside. If all of the required forms are
 10 in the envelope, they will remove the
 11 forms, clip it together, and prepare it
 12 for a second view to confirm that
 13 everything is as it should be. That's
 14 pretty much the process.
 15 Q. Okay.
 16 A. It says it right here.
 17 Q. Okay. So in that process, they
 18 are comparing the information on the
 19 outer envelope to what's put on the
 20 outside of the inner envelope; correct?
 21 MR. WHITE: Object to form.
 22 Brooks White.
 23 A. No.

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1 Q. Okay.
 2 A. What's on the outer envelope is
 3 simply there to confirm that the ballot
 4 inside is -- I suppose the county clerk
 5 is checking on the outside of the
 6 envelope to make sure that this is the
 7 person who was -- who requested the
 8 absentee ballot.
 9 Q. Okay.
 10 A. And it -- and it doesn't really
 11 -- to my knowledge, it doesn't have any
 12 comparison once the -- once it's been
 13 confirmed this is who is on our list that
 14 has already received an absentee ballot.
 15 Q. Okay. So they're -- they're
 16 comparing a list of people who have
 17 already received an absentee ballot?
 18 A. And, again --
 19 MR. WHITE: Object to form.
 20 Brooks White.
 21 A. -- this is -- this is in the
 22 county clerk's office before it's
 23 actually being canvassed.

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1 Q. Okay. Okay. And then the third
 2 bullet here, it says, "Counting Absentee
 3 Ballots"?
 4 A. Uh-huh.
 5 Q. What does counting absentee
 6 ballots mean?
 7 A. That could be a number of
 8 things. First of all, we always want to
 9 make sure that the same number of ballots
 10 that were put into the secured ballot box
 11 -- or maybe I shouldn't say ballots --
 12 envelopes, we need to determine that
 13 that's the same number that comes out of
 14 the ballot box when it's opened.
 15 It can also mean eventually --
 16 and that is not right away -- that we
 17 actually count the number, that we count
 18 -- once they've been processed, we count
 19 the number of ballots that are fed into
 20 the voting machine, the tally machine --
 21 Q. Okay.
 22 A. -- the tabulator.
 23 Q. And is there a time where you

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1 wouldn't feed them into the machine;
 2 instead, you would count them just by
 3 hand?
 4 A. I don't think we've ever done
 5 that.
 6 Q. Okay. Okay. All right. Let's
 7 look at the next page, which is page 143.
 8 And this is ending in Bates stamp 896.
 9 Okay. So this is the opening and
 10 processing absentee ballots that you were
 11 kind of talking about before?
 12 A. (Witness nods head.)
 13 Q. Okay. And when does this
 14 process begin?
 15 A. It depends.
 16 Q. Okay.
 17 A. When we had 13,000 -- over
 18 13,000 absentee ballots in 2020, my
 19 recollection is it began two weeks prior
 20 to election day. But I am not -- I can't
 21 swear by -- that's probably -- I can't
 22 say that for sure.
 23 Q. Okay. Okay. But it began

<p style="text-align: right;">Page 82</p> <p>1 before election day, this opening and 2 processing? 3 A. It was necessary to begin 4 processing of the election -- of the 5 absentee ballots before election day 6 because we could not have completed it by 7 the end of election day -- 8 Q. Right. 9 A. -- when the polls closed. 10 Q. Okay. All right. 11 A. And I believe we had some kind 12 of a special dis- -- dispensation from 13 the governor to do so. 14 Q. Okay. And that special approval 15 from the governor, was that received 16 through an e-mail? Did you guys write a 17 letter to the governor asking for this 18 special approval? 19 A. I can't tell you how that 20 process went because I don't know. All I 21 know is we were given information that we 22 could begin sooner than normal because we 23 had such a huge number of absentees.</p>	<p style="text-align: right;">Page 84</p> <p>1 secrecy (inner) envelopes may not begin 2 prior to 8:30 a.m. on election day." 3 A. Yes. 4 Q. Okay. All right. So in 2020, 5 you received special approval by the 6 governor to begin two weeks early? 7 A. Correct. And that was -- 8 MR. WHITE: Object. 9 A. -- statewide. 10 MR. WHITE: Object to form. 11 Brooks White. 12 Q. You can answer through his 13 objections. 14 A. Okay. That was statewide. That 15 wasn't just a special dispensation for 16 Washington County. 17 Q. Okay. Okay. So at the outset, 18 when an absentee ballot reaches your 19 office, where does it sit? 20 A. In the secured metal container. 21 Q. Okay. And is there any action 22 that's taken immediately when it's 23 received besides putting it in that</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. I see. Okay. Did you receive 2 similar approval for this year, 2022? 3 A. We didn't need it. 4 Q. Okay. Did you -- do you recall 5 needing special approval in 2018? 6 A. Oh, no. 7 Q. Okay. 8 A. It would have been very normal 9 in 2018. 10 Q. Okay. All right. Now let's -- 11 let's see. Let's look at page 148 in 12 this same Exhibit 4. All right. Okay. 13 And so you do see this page 148? 14 A. Yes. 15 Q. Okay. It says on this page, 16 "And Remember: The outer envelopes of 17 absentee ballots may be opened one week 18 before Election Day so that the election 19 officials may begin processing the 20 absentee ballot paperwork." 21 A. Uh-huh. 22 Q. And then a second line here, it 23 says "Processing of absentee ballots</p>	<p style="text-align: right;">Page 85</p> <p>1 secure metal container? 2 A. I couldn't tell you because 3 that's done in the county clerk's office. 4 Q. Okay. All right. 5 MS. TENNELL: Okay. So, Madam 6 Court Reporter, let's look at Exhibit 2, 7 which is the County Board of Election 8 Commissioners Procedures Manual. And 9 let's open up to page 89 of this 10 document. 11 Q. Okay. Do you see that, page 89? 12 All right. 13 So it says, "Processing Ballots 14 with Missing Documentation." Do you see 15 that? 16 A. Yes. 17 Q. Okay. And is this part of 18 what's called the canvassing process? 19 (Witness reviews document.) 20 A. I believe it is. 21 Q. Okay. 22 A. Yeah. This is all under the 23 heading of "Canvassing, Counting &</p>

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1 Official Results."
 2 Q. Okay. And so the absentee
 3 ballot clerks conduct this process?
 4 MR. WHITE: Object to form.
 5 Brooks White.
 6 A. I'm not even sure who absentee
 7 ballot clerks are. We -- again, this
 8 goes back to your definition.
 9 Q. Uh-huh.
 10 A. And I don't think you ever
 11 specified who that was.
 12 Q. You said that you had -- there
 13 was someone in their office that counted
 14 absentee ballots and conducted the
 15 canvassing process; correct?
 16 A. And canvassing, yes. That's --
 17 we have election workers who do that
 18 under the supervision of our election
 19 office and the election director.
 20 Q. Okay.
 21 A. And her staff and --
 22 Q. So the election officials --
 23 A. Correct, yes.

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1 Q. -- conduct this --
 2 A. That's what we call them, is
 3 election officials.
 4 Q. Okay. I see.
 5 Okay. So if we go down to the
 6 second main chunk on this page, it says,
 7 "No Voter Statement; No Photo ID;
 8 Information on Voter Statement Does Not
 9 Compare to Application." Do you see
 10 that --
 11 A. I do.
 12 Q. -- section? Okay.
 13 Okay. And so if there is, I
 14 guess, a situation where the information
 15 on the voter statement does not compare
 16 to the application, that absentee ballot
 17 would go to the commissioners.
 18 MR. WHITE: Object to form.
 19 Brooks White.
 20 Q. Is that correct?
 21 A. It would be set aside for
 22 further evaluation.
 23 Q. Okay. And who would further

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1 evaluate it?
 2 A. Well, eventually, it would be
 3 the Election Commission. But there might
 4 be an interim discussion between our
 5 director and the county clerk. It might
 6 be a simple, "Let's move this into a pile
 7 that the Commission needs to look at."
 8 Q. Okay. So this interim
 9 discussion between the director and the
 10 county clerk, are they deciding --
 11 A. No. No.
 12 Q. Okay.
 13 A. It's -- our director is seeking
 14 additional information.
 15 Q. Uh-huh.
 16 (Witness reviews document.)
 17 A. Sometimes people put all of the
 18 information in the ballot-only envelope.
 19 And so that has to be set aside.
 20 Q. Right. Okay. And in that case
 21 where they put all the information in
 22 their envelope, it's set aside.
 23 A. Yes.

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1 Q. And then the commissioners would
 2 be tasked --
 3 A. Correct.
 4 Q. -- to review it?
 5 A. Yes.
 6 Q. Okay.
 7 MR. WHITE: Object to form.
 8 Brooks White.
 9 Q. And when does the Commission
 10 meet to review those?
 11 A. Usually prior to -- on election
 12 night, prior to the time that election
 13 results begin coming in.
 14 Q. Okay. And you mentioned earlier
 15 that you all might be on a live stream
 16 during this?
 17 A. We always are.
 18 Q. Okay.
 19 A. I'm not sure we were in 2020.
 20 Q. Okay. And all three
 21 commissioners are present during this
 22 review of absentee ballots that has
 23 information that doesn't compare?

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1 A. Yes.

2 Q. And did you receive any training

3 on the distribution and canvassing

4 process as described on page 89?

5 MR. WHITE: Object to form.

6 Brooks White.

7 A. Page 81?

8 Q. Did you receive training in

9 regards to this process specifically on

10 when a -- information on the voter

11 statement doesn't compare to the

12 application?

13 A. Yes.

14 Q. Okay.

15 A. That would have been part of the

16 commissioner's training.

17 Q. Okay. Got it. All right.

18 Great.

19 Okay. So let's go to just the

20 prior page, which is page 88. And this

21 is, for the record, still Exhibit 2, page

22 88, Bates stamp ending in 749.

23 A. Okay.

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1 Q. All right. And this -- this

2 page is titled "Best Practice for

3 Analyzing Four Absentee Ballot Data

4 Points."

5 A. Okay.

6 Q. Okay. And then there's a

7 section on this that says "Voter's

8 Address." Do you see that?

9 A. I do.

10 Q. Okay. And let me just read this

11 for the record. It says, "Voter's

12 Address: The voter's address should be

13 found comparable if it is sufficiently

14 similar so that any discrepancies such as

15 abbreviations, variations in form, or

16 other minor incongruities are not so

17 dissimilar that election officials are

18 unable to determine that the two

19 documents reflect the same physical

20 address."

21 Okay. Now let's look at Exhibit

22 3, which is the training deck that you

23 have, the 2022 County Board of

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1 Commissioners Training.

2 A. Okay.

3 Q. And let's look at the page that

4 ends in the Bates stamp 966. And that is

5 the number right on the corner. Are you

6 there?

7 A. Yes. Scenario 5?

8 Q. Yes.

9 A. Okay.

10 Q. All right. So this is an

11 example where the address doesn't match.

12 Okay. So if you look at the application

13 for the absentee ballot, there is an

14 arrow on that and it says 123 Main

15 Street. Do you see that?

16 A. I do.

17 Q. And then if you look next to

18 that, there is an absentee voter

19 statement, and the address is P.O. Box

20 310.

21 A. Correct.

22 Q. Do you see that?

23 A. Yes.

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1 Q. So, would you say that the

2 residential address does match?

3 MR. WHITE: Object to form.

4 Brooks White.

5 A. Yeah, they don't match.

6 Q. Okay. And then if you go to the

7 next line on the application, it says

8 Bryant, Arkansas, and then the ZIP code

9 is 720 and it looks to me like a 22.

10 A. Yes.

11 Q. Do you see that?

12 A. It's 22.

13 Q. Okay. And then on the voter

14 statement, it says Bryant, Arkansas, and

15 then it says 72021.

16 A. Correct.

17 Q. So the ZIP code is off by one

18 digit. Is that correct?

19 A. It is.

20 Q. Okay. Okay. So let me ask you

21 a question about this. Let's say that

22 both of these were 123 Main Street on

23 both the application for absentee ballot

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1 and the voter statement, and let's just
 2 say that the ZIP code, which is off by
 3 one digit, was still off by one digit.
 4 Would you say that that address compared?
 5 MR. WHITE: Object to form.
 6 Brooks White.
 7 Q. Or I guess the exact language is
 8 -- was it sufficiently similar?
 9 A. Yeah. I would -- I would accept
 10 that based on the fact that I know the
 11 72022 is a local -- a local ZIP code, but
 12 the 72021 is the post office.
 13 Q. Okay.
 14 A. I know that much about Arkansas
 15 that I can see the differentiation.
 16 Q. Right. Right.
 17 A. So I would -- I would go -- I
 18 mean, it is sufficiently comparable that
 19 it would not be a problem for me as a
 20 commissioner.
 21 Q. Right. Okay. All right.
 22 A. Is that what you're asking?
 23 Q. That is what I'm asking.

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1 A. Okay.
 2 Q. Yes. Thank you. Okay. So
 3 let's turn back to page 88 here on
 4 Exhibit 2, which is the best practices.
 5 A. Okay.
 6 Q. All right. So if we look at the
 7 Voter's Date of Birth, which is just
 8 right under the address, and I'm just
 9 going to read this for the record.
 10 A. Oh, okay.
 11 Q. So follow along with me.
 12 "Voter's Date of Birth: The
 13 voter's date-of-birth should be found
 14 comparable if the same month, day, and
 15 year are described in both documents.
 16 When comparing dates of birth where one
 17 or both dates are expressed using only
 18 numerals, the dates should be found
 19 comparable if one document expressed the
 20 date in month/day/year form and the other
 21 document expressed the same date in the
 22 day/month/year form."
 23 Okay. In your experience as a

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1 commissioner, have you seen or do you
 2 recall seeing a time where a voter may
 3 have put the correct month, day, and year
 4 on their absentee application and then on
 5 their voter statement they might have
 6 messed up and put the current year, the
 7 present year? Have you seen that in your
 8 experience on the Commission?
 9 A. I can't recall. It's possible.
 10 Q. Okay. Would you say that on the
 11 Commission, having -- is it a common
 12 experience to see that a voter may have,
 13 in haste, I guess, messed up just on the
 14 year on either their voter statement or
 15 their application for absentee ballot?
 16 MR. WHITE: Objection to form.
 17 Brooks White.
 18 MR. LESTER: Objection, asked
 19 and answered. Brian Lester.
 20 A. Do I need to answer?
 21 Q. Yeah.
 22 A. Oh. He said, "Asked and
 23 answered," so it's done.

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1 It's possible.
 2 Q. Okay. All right. So, do the
 3 commissioners in Washington County
 4 receive any training on signature
 5 matching?
 6 A. Generally. None of us are
 7 handwriting experts, but we -- you know,
 8 I'm reminded of Sesame Street, "Which one
 9 of these is not like the other?" And
 10 that is where we lie.
 11 Q. Right. Okay. Do you remember
 12 how much time you -- was devoted to
 13 training on signature matching?
 14 A. No. I have no recollection.
 15 Q. Okay. Can you describe how you
 16 were trained in regards to comparing
 17 signatures?
 18 MR. WHITE: Object to form.
 19 Brooks White.
 20 A. I can't really recall.
 21 Q. Okay. Do you remember any
 22 aspects about the signature that you were
 23 trained to look at when you compare the

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1 signatures?
 2 A. No, not -- not specifics. I --
 3 I understand the Sesame Street way of
 4 comparing.
 5 Q. Uh-huh.
 6 A. It's pretty simple. And that's
 7 -- that's my approach to it.
 8 Q. Okay. So in your experience as
 9 a commissioner, how much time does it
 10 take you to compare a voter's signature?
 11 A. About this much time
 12 (indicating). Okay.
 13 Q. Okay.
 14 A. It's -- it's pretty basic.
 15 Q. One second? Two seconds? Less
 16 than a second?
 17 A. I'm not very good on time. But
 18 it's a -- it's a cursory thing.
 19 Q. Uh-huh.
 20 A. It's a glance. Do these look to
 21 be similar, yes, no; on to the next one.
 22 Q. Okay.
 23 A. That might be two seconds.

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1 Q. Okay. And in relation to your
 2 comparison and the other commissioners,
 3 do you think you compare signatures
 4 faster than the other two commissioners,
 5 or would you say that you guys are all on
 6 the same speed?
 7 A. Probably about the same.
 8 Q. Okay. And did you receive any
 9 written materials about comparing
 10 signatures for training purposes?
 11 A. I know we have in the past. I
 12 don't know -- I can't really tell you the
 13 details of that because it's so long ago.
 14 Q. Okay.
 15 A. That -- I mean, it may just have
 16 been in 2020, but I don't recall the
 17 specifics of it.
 18 Q. Okay. And do you recall who may
 19 have provided you with the training for
 20 signature matching?
 21 A. Well, it probably was in some of
 22 the material that we received from the
 23 SBEC.

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1 Q. Okay. All right. And when you
 2 are comparing, you know, live, do you
 3 have any training materials next to you
 4 when you are --
 5 A. No.
 6 Q. -- conducting that?
 7 A. No, I don't.
 8 Q. Okay. All right. So if we go
 9 back to Exhibit 2, which is the manual,
 10 and it's the same page, 88, and it's the
 11 best practices. Okay? Are you there?
 12 A. Uh-huh.
 13 Q. All right. So if we just look
 14 at the next section, it's "Voter's
 15 Signature." And so I'll just read this
 16 out loud.
 17 "Voter's Signature: The voter's
 18 signature should be found comparable
 19 unless the signature on the voter's
 20 statement is sufficiently dissimilar to
 21 the signature on the absentee ballot
 22 application so that the reviewing
 23 officials are left with an abiding

Page 101

1 conviction that the signatures being
 2 compared are written by two different
 3 people."
 4 Okay. All right. So let's look
 5 at the training deck, which is Exhibit 3,
 6 and let's just look at Bates stamp ending
 7 in 951.
 8 A. Where are we at?
 9 Q. So let me know when you're
 10 there.
 11 A. I'm here.
 12 Q. Okay. Let me get there. Okay.
 13 So if -- this is the training materials.
 14 A. Yes.
 15 Q. If you were reviewing this, it
 16 says, prompts, "What do you Think?" So
 17 if you were reviewing these two
 18 signatures, would you determine that
 19 these two signatures are sufficiently
 20 dissimilar?
 21 A. No. I would accept them as the
 22 same.
 23 Q. Okay. All right. And then

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1 let's turn to the Bates stamp ending in
 2 953. Okay. Let me know when you're
 3 there.
 4 A. Here.
 5 Q. All right, so what about this?
 6 Do you think that these are dissimilar?
 7 (Witness reviews document.)
 8 A. Yeah, I would say they're
 9 dissimilar.
 10 Q. Okay. And can you tell me why
 11 you think they're dissimilar?
 12 A. Well, a quick glance tells me
 13 that the R's, the B's, and the T's are
 14 different, and -- and the H. And I would
 15 just -- I mean, again, this is a cursory
 16 judgment call, but in my view, they would
 17 not be the same.
 18 Q. Okay. Anything else about the
 19 signatures that are dissimilar to you?
 20 A. No. I don't take that much time
 21 to look at them.
 22 Q. Uh-huh.
 23 A. It's an immediate, or relatively

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1 quick judgment.
 2 Q. Okay. So if you were reviewing
 3 this, you said you would find these
 4 dissimilar. And therefore, would you
 5 accept this absentee ballot or would you
 6 reject this absentee ballot?
 7 A. Based on the signature, I would
 8 not find them comparable, so it would be
 9 rejected.
 10 Q. Okay. And is it correct that
 11 you alone cannot make that determination
 12 to reject --
 13 A. Yes.
 14 Q. -- the other two commissioners
 15 would also have to agree that this was --
 16 A. Yes.
 17 Q. -- dissimilar?
 18 A. That's correct.
 19 Q. Okay. Do you recall a time
 20 where there was a situation where the
 21 commissioners maybe didn't all come to
 22 the same conclusion initially and there
 23 was some back-and-forth to come to an

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1 agreement?
 2 MR. WHITE: Object to form.
 3 Brooks White.
 4 A. I don't recall. There may have
 5 been.
 6 Q. Okay. And how many
 7 commissioners have to agree?
 8 A. Two out of the three.
 9 Q. Okay. So it doesn't have to be
 10 a unanimous --
 11 A. It does not have to be
 12 unanimous.
 13 Q. Okay. Okay. Let's turn to
 14 Bates stamp, the same document, ending in
 15 958. And this is still Exhibit 3.
 16 So if we look at this, Scenario
 17 1, it says that the names on the
 18 application for absentee ballot and the
 19 voter's statement are not exactly the
 20 same but are similar. Okay.
 21 A. Uh-huh.
 22 Q. And it's the difference between
 23 Jonathan and Jon. And it also says that

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1 the signatures are not exactly the same
 2 but are similar, and that's the
 3 difference between Jonathan and Jon.
 4 A. Uh-huh.
 5 Q. And this says that the ballot
 6 should be counted unless some other
 7 reason would disqualify the ballot.
 8 A. Right.
 9 Q. So in your experience, if you
 10 were looking at this, without the prompts
 11 of the top --
 12 A. Uh-huh.
 13 Q. -- would you say that these
 14 signatures are similar enough to be
 15 counted or so dissimilar that they should
 16 not be counted?
 17 A. No. I would think they're
 18 completely similar.
 19 Q. Okay.
 20 A. They're -- I mean, not
 21 completely, I guess. To be accurate,
 22 they're -- they're -- I know this person,
 23 so I know these are the right -- these

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1 are the signatures.
 2 Q. Okay. And just to go back to
 3 953, Bates ending 953, let's say you knew
 4 who Robert Beach was. Would you still
 5 find that these were dissimilar
 6 signatures?
 7 A. I -- on these two, I would still
 8 say they are not the same person as the
 9 -- as the instructions says best
 10 practice, "an abiding conviction that the
 11 signatures being compared are written by
 12 two different people."
 13 I would say these are different;
 14 however, if some of the other
 15 commissioners brought up some points, I'm
 16 persuadable.
 17 Q. Uh-huh.
 18 A. I'm not going to throw out a
 19 ballot.
 20 Q. Okay.
 21 A. Willy-nilly.
 22 Q. Right. Right.
 23 A. We try to follow the best

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1 practices.
 2 Q. Uh-huh. Right. Okay.
 3 Election officials are not
 4 handwriting experts; correct?
 5 A. Absolutely not.
 6 Q. Okay. And you specifically are
 7 not?
 8 A. I'm definitely not.
 9 Q. Okay.
 10 A. Although I -- although I'm
 11 pretty good at handwriting.
 12 Q. Okay. So you're familiar with
 13 the rules.
 14 A. Uh-huh.
 15 Q. Correct?
 16 A. Uh-huh.
 17 Q. And do you feel it's important
 18 to be able to make these comparisons on
 19 signatures?
 20 MR. WHITE: Object to form.
 21 Brooks White.
 22 A. I ask how else would we do it --
 23 Q. Okay.

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1 A. -- if these were not the
 2 criteria.
 3 Q. Uh-huh.
 4 A. I don't -- that's the only
 5 answer that I can give. I think it is
 6 important.
 7 Q. Uh-huh.
 8 A. It's important enough to
 9 determine one person, one vote.
 10 Q. And do you feel that the way to
 11 determine that is to compare signatures?
 12 MR. WHITE: Object to form.
 13 Brooks White.
 14 A. It's one way.
 15 Q. What's another way?
 16 A. Well, I mean, we're --
 17 MR. WHITE: Object to form.
 18 Brooks White.
 19 A. We're not using just the
 20 signature. We're using the voter's name,
 21 the address, the date of birth. We're
 22 comparing one form to another.
 23 Q. Uh-huh.

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1 A. I don't think there are any
 2 other objective ways to do it.
 3 Q. Okay.
 4 A. In my opinion.
 5 Q. Right. And what's your opinion
 6 about the idea that someone who is
 7 themselves signing the application for
 8 absentee ballot and then the voter
 9 statement later on is not thinking that I
 10 need to make sure my signature matches
 11 exactly and signs? What's your idea
 12 about that?
 13 MR. WHITE: Object to form.
 14 MR. LESTER: Object.
 15 MR. WHITE: Brooks White.
 16 MR. LESTER: Same objection.
 17 Brian Lester.
 18 A. Well, you're asking for my
 19 opinion.
 20 Q. Correct.
 21 A. And like any government
 22 document, but particularly my franchise,
 23 I would be extremely careful how each

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1 form is completed.
 2 Q. Uh-huh.
 3 A. So that when he fills out
 4 Jonathan here and signs it Jonathan
 5 Davidson, I can be pretty sure that I see
 6 the same signature over here if indeed
 7 he's using care --
 8 Q. Okay.
 9 A. -- on completing the document.
 10 Q. Okay. Okay. Has the -- in your
 11 experience, has the State Board changed
 12 its position at all on comparing
 13 signatures?
 14 A. They -- they've instructed us to
 15 follow the statutes. I don't know that
 16 there's been any change because the
 17 statutes have been pretty clear.
 18 Q. Okay. So there's been no change
 19 before 2020?
 20 MR. LESTER: Object to the form
 21 of the question.
 22 MR. WHITE: Join.
 23 A. I don't know.

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1 Q. Okay.
 2 A. I can't say for sure.
 3 Q. Has there been a change in how
 4 they instruct you to compare signatures
 5 after 2020?
 6 A. Not that I can recall.
 7 Q. Okay. And if we just go back to
 8 page 88 on Exhibit 2, do you think that
 9 the absentee ballot election officials,
 10 as you call them, do you think they
 11 follow these best practices?
 12 A. Yes, in general. But again,
 13 they're not making a decision.
 14 Q. Uh-huh.
 15 A. They're simply processing forms
 16 that will eventually be given to the
 17 Commission.
 18 Q. And would you say that you
 19 follow these best practices?
 20 A. Yes. Final determination is
 21 always with us as a commission.
 22 Q. Okay. And the other two
 23 commissioners --

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1 A. Correct.
 2 Q. -- also follow --
 3 A. Yes.
 4 Q. -- these best practices?
 5 A. Absolutely.
 6 Q. Okay.
 7 A. Yeah.
 8 Q. Okay. Do you have an opinion as
 9 an election commissioner whether it be
 10 good or bad to allow voters who have been
 11 found to have dissimilar signatures to
 12 have an opportunity to be notified of
 13 that and to fix that and cure it so that
 14 their ballot is counted?
 15 MR. WHITE: Object to form.
 16 Brooks White.
 17 MR. LESTER: The same. Brian
 18 Lester.
 19 A. I leave that up to the
 20 legislature to determine that.
 21 Q. Okay. Okay. So I think we'll
 22 take another little break.
 23 A. Okay.

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1 Q. What do you think? Do you need
 2 more than ten minutes?
 3 A. No.
 4 Q. Okay. So we'll take ten.
 5 THE VIDEOGRAPHER: We're going
 6 off the record. The time is
 7 approximately 11:23 a.m.
 8 (Break taken.)
 9 THE VIDEOGRAPHER: We are back
 10 on the record at approximately 10:33
 11 a.m. -- or 11:33 a.m.
 12 MS. TENNELL: We lost a little
 13 bit of time.
 14 THE WITNESS: Yeah, I was going,
 15 wait a minute.
 16 MS. TENNELL: Okay. So let's
 17 just jump back in. Okay. I'm going to
 18 introduce the 2020 November General
 19 Absentee Ballots Provisional as Exhibit
 20 6, Madam Court Reporter.
 21 THE COURT REPORTER: Correct.
 22 MS. TENNELL: Okay. I'm going
 23 to give one copy to the witness, and I'm

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1 going to give one copy to the State.
 2 Q. (By Ms. Tennell) Have you seen
 3 this before?
 4 (Plaintiff's Exhibit 6 was marked for
 5 identification and is attached.)
 6 A. I don't know. Is this for
 7 Washington County?
 8 Q. Yes.
 9 A. And in what year did you say
 10 this was?
 11 Q. 2020, November.
 12 A. This is 2020?
 13 Q. Uh-huh.
 14 MR. WHITE: Can you say what
 15 this exhibit is?
 16 MS. TENNELL: It's called 2020
 17 November General Absentee Ballots
 18 Provisional.
 19 MR. WHITE: Does it appear
 20 anywhere on the document itself?
 21 MS. TENNELL: No, it doesn't
 22 appear on the document.
 23 MR. WHITE: Where did you get

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1 that title from?
 2 Q. Do you recognize this document?
 3 MR. WHITE: Are you going to
 4 answer my question?
 5 MS. TENNELL: Just give me one
 6 second, sir.
 7 A. It's hard to say because we --
 8 we look at a lot of different documents
 9 like this. So I can't say this is
 10 something I've seen for sure.
 11 Q. Okay. So this was produced as
 12 part of your FOIA information request.
 13 A. Okay.
 14 MR. WHITE: Objection. I
 15 mean --
 16 THE WITNESS: Oh, sorry.
 17 MR. WHITE: Could you identify
 18 the FOIA request a little bit further?
 19 Was it directed to her personally?
 20 Q. Okay. So I'm going to introduce
 21 Exhibit 2 -- I mean, sorry, I'm going to
 22 introduce Exhibit 7.
 23 MS. TENNELL: Is that right,

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1 Madam Court Reporter?
 2 THE COURT REPORTER: That's
 3 correct.
 4 MS. TENNELL: All right. And
 5 this is the response -- I'm going to hand
 6 one to the witness and I'm going to hand
 7 one to the State. And this is the
 8 response to the FOIA request that was
 9 sent to Washington County to retrieve
 10 Exhibit 6.
 11 MR. WHITE: Okay. Well, you're
 12 testifying, and she hasn't identified
 13 this document, and you haven't asked her
 14 if she recognizes this e-mail chain.
 15 MS. TENNELL: Sir, I am leading
 16 this deposition. If you would just let
 17 me ask the questions and not interrupt --
 18 MR. WHITE: Well, I'm making an
 19 objection. You haven't laid a foundation
 20 for this exhibit. And you can ask her
 21 about -- you can ask her questions, but
 22 you haven't laid a foundation as to
 23 whether she recognizes either this

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1 document or this e-mail chain.
 2 MS. TENNELL: To correct the
 3 record, I did ask her if she recognizes
 4 Exhibit 6. And I would ask that the
 5 State not interrupt the questioning that
 6 is being conducted by myself.
 7 MR. WHITE: I will make
 8 objections as appropriate. Thank you.
 9 Q. (By Ms. Tennell) Commissioner,
 10 do you recognize Exhibit 7, which is this
 11 e-mail?
 12 (Plaintiff's Exhibit 7 was marked for
 13 identification and is attached.)
 14 (Witness reviews document.)
 15 A. This went through the county
 16 clerk's office, and I have not been
 17 copied on it.
 18 Q. Okay.
 19 (Witness reviews document.)
 20 A. I am aware that our office
 21 responded to this FOI request. My name
 22 is on the back side.
 23 Q. Yeah. That's the response.

<p style="text-align: right;">Page 118</p> <p>1 A. So --</p> <p>2 MR. LESTER: Her question is do</p> <p>3 you recognize it. Have you seen this</p> <p>4 document before?</p> <p>5 A. I'm going to say I probably have</p> <p>6 seen it.</p> <p>7 Q. Okay.</p> <p>8 A. Because the request was</p> <p>9 responded to by our director of</p> <p>10 elections.</p> <p>11 MR. WHITE: Which document are</p> <p>12 -- is she referring to?</p> <p>13 THE WITNESS: I'm looking</p> <p>14 at this one.</p> <p>15 MS. TENNELL: We're looking at</p> <p>16 Exhibit 7, this e-mail.</p> <p>17 THE WITNESS: And my name is on</p> <p>18 the back side.</p> <p>19 MR. WHITE: Well, Exhibit 7 has</p> <p>20 multiple pages, and I don't know if</p> <p>21 she -- you're talking --</p> <p>22 MS. TENNELL: The last page.</p> <p>23 THE WITNESS: Back page.</p>	<p style="text-align: right;">Page 120</p> <p>1 marked as Exhibit 6. The response is --</p> <p>2 is contained in Exhibit 7; correct?</p> <p>3 MS. TENNELL: Correct.</p> <p>4 MR. LESTER: Okay.</p> <p>5 MS. TENNELL: Yeah.</p> <p>6 Q. (By Ms. Tennell) Okay. So let's</p> <p>7 turn back to Exhibit 6. And did you say</p> <p>8 you have seen this document, Exhibit 6,</p> <p>9 before?</p> <p>10 MR. WHITE: Object. Object to</p> <p>11 form, misstates prior testimony.</p> <p>12 (Witness reviews document.)</p> <p>13 A. I'm going to say yes, I have</p> <p>14 seen it. I haven't really reviewed it.</p> <p>15 Q. Okay. So if we just turn -- and</p> <p>16 these are not -- these pages are not</p> <p>17 numbered. So if you turn the front</p> <p>18 cover, the second page here, which is</p> <p>19 there, it says -- there's a number of</p> <p>20 lines on this page and the next page in</p> <p>21 the back. And if you look kind of</p> <p>22 halfway down, it says, "Signature on</p> <p>23 voter application does not match</p>
<p style="text-align: right;">Page 119</p> <p>1 MS. TENNELL: No, all the way --</p> <p>2 no, the back page.</p> <p>3 THE WITNESS: The last page.</p> <p>4 MS. TENNELL: Yeah. You see her</p> <p>5 name and "Information provided by."</p> <p>6 MR. WHITE: Okay.</p> <p>7 MS. TENNELL: Okay.</p> <p>8 Q. (By Ms. Tennell) All right. So</p> <p>9 you have seen the response?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. All right.</p> <p>12 MR. LESTER: Objection. You</p> <p>13 just asked if she received this -- you</p> <p>14 asked if she's seen this document.</p> <p>15 MS. TENNELL: The response.</p> <p>16 MR. LESTER: But you're asking</p> <p>17 now if she's received -- seen the</p> <p>18 response.</p> <p>19 MS. TENNELL: Which is what her</p> <p>20 name is on.</p> <p>21 MR. WHITE: Well.</p> <p>22 MR. LESTER: Okay. So the</p> <p>23 response is not the document that's</p>	<p style="text-align: right;">Page 121</p> <p>1 signature on voter statement." Do you</p> <p>2 see where that starts?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. All right. And then if</p> <p>5 you just go over on each of those lines,</p> <p>6 there is the state that's listed. There</p> <p>7 is a name that's listed. There is an</p> <p>8 address that's listed. There is a city</p> <p>9 and a ZIP code. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. How is this data</p> <p>12 collected?</p> <p>13 A. You said this is from 2022?</p> <p>14 Q. 2020.</p> <p>15 A. This is 2020 information?</p> <p>16 Q. Correct.</p> <p>17 A. Okay. This is -- from what I</p> <p>18 understand, this information is logged,</p> <p>19 if you will, for internal use basically.</p> <p>20 This is the way we -- we can follow that</p> <p>21 we know this is why this ballot was</p> <p>22 accepted, rejected, whatever the --</p> <p>23 whatever the reason is, according to the</p>

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1 best practices over here.
 2 Q. Okay. And is this "Signature on
 3 voter application does not match
 4 signature on voter statement," is this in
 5 a drop-down list or are you manually
 6 writing these reasons in?
 7 A. I don't --
 8 MR. LESTER: Objection.
 9 Objection to the foundation. You have
 10 not established that she's created this
 11 document.
 12 MR. WHITE: Join.
 13 Q. Okay. Who compiles this data?
 14 A. This is done by our director of
 15 elections. And it -- and it is not
 16 required. It is simply her way to follow
 17 how the process has taken place.
 18 Q. Uh-huh. Okay. Does the
 19 director of elections write in these
 20 reasons, or does the director of
 21 elections select these reasons from a
 22 drop-down menu?
 23 A. I have no idea.

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1 Q. Okay.
 2 A. She created the spreadsheet, and
 3 she would know.
 4 Q. Okay.
 5 A. Those are details that have been
 6 delegated to her.
 7 Q. Okay. Does she compile this
 8 data as the live review process is being
 9 conducted, or does she compile this data
 10 after?
 11 MR. WHITE: Object to form.
 12 Brooks White.
 13 A. She doesn't do it during the
 14 process, so I would have to presume she
 15 does it after the election.
 16 Q. Uh-huh. Okay. So after the
 17 three commissioners have reviewed the
 18 absentee ballot application, voter
 19 statement, et cetera, she compiles this
 20 list?
 21 A. Yes.
 22 Q. Okay.
 23 A. I think.

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1 Q. Okay. Right.
 2 And is this information stored
 3 for a year? Is it stored for two years?
 4 Do you know how long this information is
 5 stored?
 6 A. No. I have no idea.
 7 Jennifer is an extremely
 8 thorough director, and she wants to
 9 follow each problem that she sees. She's
 10 great at spreadsheets.
 11 Q. Okay.
 12 A. And this is her way -- if
 13 something happens in the process and she
 14 sees it crop up again and again and
 15 again, she wants to know why.
 16 Q. Right.
 17 A. And she wants to improve our
 18 process to make sure we -- now, again, in
 19 2020, this was when we had over 13,000
 20 absentee ballots.
 21 Q. Uh-huh.
 22 A. And it was -- it was in the rear
 23 view mirror of COVID.

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1 Q. Uh-huh.
 2 A. And so we had a ton of people
 3 who were hastily filling out their
 4 paperwork and hastily getting them in or
 5 dropping them off or whatever.
 6 Q. Yeah.
 7 A. And, you know, she saw patterns
 8 of people failing to do what -- the best
 9 practices were what we looked for, that
 10 they failed to satisfy the requirements.
 11 Q. Okay. And did she make these
 12 notations based on what the commissioners
 13 decided, or did she make these notations
 14 based on what she decided?
 15 MR. LESTER: I'm going to object
 16 to the form.
 17 MR. WHITE: Join.
 18 A. I can't answer. I'm not sure.
 19 Q. Okay. So, does Jennifer Price,
 20 the director, does she review absentee
 21 ballots that have incomplete or
 22 mismatched information to determine their
 23 eligibility to be counted?

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1 A. She brings all of those to our
 2 attention.
 3 Q. Uh-huh.
 4 A. She doesn't do anything
 5 independently. There are no decisions
 6 that she makes. She hands that off to
 7 the Commission because that's our
 8 responsibility. We make the final
 9 determination based on the best
 10 practices.
 11 Q. Uh-huh.
 12 A. And -- but, I mean, some of
 13 these things are -- are no-brainer type
 14 things. Missing voter statement, if
 15 you're missing a voter statement, the law
 16 says you can't count that ballot.
 17 Q. Uh-huh. And is the Commission,
 18 the three of you, making that --
 19 A. Yes.
 20 Q. -- determination?
 21 A. Yes, absolutely.
 22 Q. And then you relay that decision
 23 to Jennifer. Is that correct?

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1 A. Well, she has custody of all the
 2 absentee ballots once they've been
 3 processed, so she will go back and note
 4 this or that because it will be written
 5 on the envelope, it will be -- all of the
 6 forms will be there under -- attached to
 7 the envelope.
 8 Q. Uh-huh.
 9 A. And so she has them all as one
 10 piece, although there's many pieces, and
 11 that's when I would assume she creates
 12 this information to say this is what --
 13 because people will call.
 14 Q. Uh-huh.
 15 A. And she wants to have a ready
 16 answer instead of, "Well, sorry, it just
 17 wasn't counted."
 18 Q. Right.
 19 A. She wants to have a ready answer
 20 for them as to why there was a problem
 21 with their ballot.
 22 Q. And is the commissioner making a
 23 note why this signature on voter

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1 application does not make on voter
 2 signat- -- does -- are the -- are the
 3 three commissioners making that note so
 4 that Jennifer can enter the information,
 5 or is Jennifer making that determination?
 6 MR. WHITE: Object to form.
 7 Brooks White.
 8 A. We don't make a note. We have
 9 piles: These are rejected because of not
 10 matching or -- or -- yeah, the signature
 11 doesn't match the voter statement on the
 12 application. Those are -- those are
 13 pretty clear piles that we make --
 14 Q. They're labeled piles?
 15 A. Yes.
 16 Q. I see.
 17 A. -- in order to have that all
 18 together for when she makes -- I mean,
 19 it's not -- it's not purposeful to make
 20 this record, but it is, in her way,
 21 being -- doing the best at the job she
 22 does to make sure that each person is --
 23 it is noted what it is that was lacking

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1 in their absentee --
 2 Q. Okay.
 3 A. -- submission.
 4 Q. How do you label the piles? Is
 5 there a Post-It note? What is the form?
 6 A. We use a lot of Post-it notes.
 7 Usually -- and I can't -- I can't be
 8 definitive about this, but I know there
 9 are a lot of things that are written on
 10 the outside envelope.
 11 Q. Uh-huh.
 12 A. And when -- the piles probably
 13 have a Post-It on top of them until
 14 they're -- until they're dealt with
 15 further.
 16 Q. Okay. And who's writing on the
 17 outside envelope?
 18 A. One of the staff members or
 19 probably Jennifer. I can't say for sure.
 20 Q. Okay. Are they writing on the
 21 outside envelope under the three
 22 commissioners' direction?
 23 A. Yes.

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1 Q. Okay. All right. So, would you
 2 say that the three commissioners on --
 3 let's just talk specifically about the
 4 signature on voter application does not
 5 match on voter statement. Would you
 6 three commissioners have reviewed these
 7 app- -- or ballots to determine that the
 8 signature on the voter application did
 9 not match the signature on the voter
 10 statement?
 11 A. We would review them, yes, and
 12 we would make a determination.
 13 Q. Okay. All right.
 14 MS. TENNELL: So let's see. I
 15 believe we are on Exhibit 8.
 16 THE COURT REPORTER: Correct.
 17 MS. TENNELL: Okay. So I am
 18 going to introduce for the record Exhibit
 19 8, which is letters. And I'm going to
 20 pass one to the witness, and I'm going to
 21 pass one to the State.
 22 Q. Okay. Do you recognize these
 23 letters?

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1 (Plaintiff's Exhibit 8 was marked for
 2 identification and is attached.)
 3 (Witness reviews document.)
 4 A. I recognize the form, the
 5 format. These are signed by our
 6 director. And they are -- they are sent
 7 under our supervision.
 8 Q. Uh-huh. Okay. So I want to
 9 turn -- and they're Bates-stamped in the
 10 corner.
 11 A. Oh, okay.
 12 Q. I want to turn to the page
 13 ending in 745. So if you look at page
 14 ending in 745 and, actually, if you look
 15 all the way to page ending in 751, so
 16 through those pages, you'll see that the
 17 reason listed on the letter that these
 18 absentee ballots were not counted was
 19 because of signature on the application
 20 did not match the signature on the voter
 21 statement. Do you see that?
 22 A. Yes, I do.
 23 Q. Okay. Do you remember these

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1 letters going out?
 2 A. Well, I remember that they were
 3 to go out. I see they've got a December
 4 5th date on them. And I presume that's
 5 the exact date that Jennifer sent them
 6 out, but I -- as far as the process, I
 7 don't know. She was authorized to send
 8 these out.
 9 Q. Right.
 10 A. If that's what you're asking.
 11 Q. Right. Okay. Okay. And do you
 12 recall -- I believe there's seven, so
 13 one, two, three, four, five, six -- seven
 14 of these letters?
 15 A. Uh-huh.
 16 Q. Do you recall if these were the
 17 only seven ballot -- absentee ballots
 18 that were not counted due to the
 19 signatures not matching in this November
 20 2020 election?
 21 A. I have no recollection how many
 22 there were.
 23 Q. Okay. And if you just want to

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1 take a look at maybe each name on the
 2 letters we're discussing, can you just
 3 tell me if you remember any specifics
 4 about why these individuals' signatures
 5 didn't match?
 6 A. No. We -- we read each of these
 7 names before, or when we were going
 8 through the process, but I don't remember
 9 any of the names specifically.
 10 Q. Okay. So you don't know any of
 11 these individuals?
 12 A. No, I do not.
 13 Q. Okay. So, would all three
 14 commissioners have had to agree that
 15 these signatures for these seven
 16 voters --
 17 A. Yes. Yes.
 18 Q. -- did not match?
 19 A. We would have.
 20 MR. LESTER: Objection, asked
 21 and answered.
 22 Q. Okay. Do you think seven
 23 letters is a unusual amount, or is that

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1 typical for a general election?
 2 MR. WHITE: Object to form.
 3 Brooks White.
 4 Q. Specifically for the signatures
 5 not matching on the voter statement and
 6 the application.
 7 A. When you're talking about over
 8 13,000 absentee ballots, I think seven
 9 here is a very small number.
 10 Q. Okay.
 11 A. But that's an opinion.
 12 Q. Uh-huh.
 13 A. That was a -- it was a very
 14 unusual election.
 15 Q. Uh-huh. Okay. All right.
 16 MS. TENNELL: Okay. Let's see.
 17 All right. Madam Court Reporter, I'm
 18 going to introduce Exhibit 9. Is that
 19 right?
 20 THE COURT REPORTER: Correct.
 21 MS. TENNELL: Okay. All right.
 22 I'm just going to introduce Exhibit 9
 23 into the record. And this is a Notice of

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1 Provisional Ballot: Absentee Ballot to
 2 Voters Who Cast Provisional Ballots in
 3 the November 3, 2020 General Election,
 4 Nonpartisan Judicial Run-Off and Annual
 5 School Election. So I'm just going to
 6 pass one copy to the witness, and I'm
 7 going to pass one copy to the State.
 8 Q. All right. Do you recognize
 9 this document?
 10 (Plaintiff's Exhibit 9 was marked for
 11 identification and is attached.)
 12 (Witness reviews document.)
 13 A. No, I do not. I'm not saying I
 14 haven't seen it. I'm just saying I don't
 15 remember it.
 16 Q. Okay. You don't remember this
 17 specific document?
 18 A. No, I don't.
 19 Q. Okay.
 20 A. I've seen so many.
 21 Q. Okay.
 22 A. And again, this goes out under
 23 Jennifer's signature at the authorization

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1 of the Election Commission.
 2 Q. Is this a typical form for this
 3 type of document?
 4 A. Yes.
 5 Q. Okay. So you may have seen
 6 documents like this?
 7 A. Correct.
 8 Q. Okay. So because the voter did
 9 not provide a copy of their approved ID
 10 and they didn't sign the optional
 11 verification identity affirmation, they
 12 received notice, and they had an
 13 opportunity to cure so that their
 14 absentee ballot could be counted; right?
 15 A. Yes.
 16 Q. Okay. And then they had
 17 approximately until noon on Monday after
 18 the election, which is here at November
 19 9th, 2020 --
 20 MR. LESTER: I'm going to object
 21 to the form of the question.
 22 MS. TENNELL: I haven't finished
 23 asking it.

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1 MR. LESTER: Well, because it's
 2 not really a question. It's more of a
 3 statement. So that's why I'm --
 4 MS. TENNELL: I haven't finished
 5 asking the question. If you could please
 6 just not interrupt. Thank you.
 7 Q. So as I was asking, they had
 8 until November 9th, 2020, until after the
 9 election, to provide a cure so that their
 10 ballot could be counted; correct?
 11 A. Yes.
 12 MR. LESTER: Objection.
 13 Q. Okay. So, what is your opinion
 14 regarding the fact that these voters
 15 under this circumstance who did not
 16 provide ID and who didn't sign the
 17 optional verification of identity
 18 affirmation, what's your opinion about
 19 their opportunity to be notified of that
 20 fact and to cure it so that their ballot
 21 could be counted?
 22 MR. WHITE: Object to form.
 23 Brooks White.

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1 MR. LESTER: I'm going to object
 2 to form, and I'm going to object to --
 3 object to the question. Can I see the
 4 Exhibit 1, please?
 5 MR. WHITE: I got it right here.
 6 MR. LESTER: Before she
 7 responds?
 8 MR. WHITE: You want her to get
 9 up and step out?
 10 MR. LESTER: No, not
 11 necessarily. I'm just -- I was trying to
 12 determine whether she was subpoenaed in
 13 her official capacity or in a -- in her
 14 personal capacity. Because I'm wondering
 15 what the.
 16 MS. TENNELL: We're just asking
 17 questions about her personal experience.
 18 MR. LESTER: Yeah. But she was
 19 not -- she was subpoenaed as a
 20 commissioner.
 21 MS. TENNELL: Uh-huh.
 22 MR. LESTER: Okay. So you're
 23 asking her to now switch hats and

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1 personally tell us what's going on.
 2 MS. TENNELL: I believe we
 3 subpoenaed her under Rule 45.
 4 MR. WHITE: Yeah. That's the
 5 only subpoena rule. I mean, you had to.
 6 That's the only --
 7 MS. TENNELL: It's not the only
 8 subpoena rule.
 9 MR. WHITE: Oh, yes, it is. 45
 10 is the only rule of civil procedure that
 11 you can subpoena witnesses under for
 12 federal court.
 13 MS. TENNELL: And we subpoenaed
 14 her as the chair in her personal
 15 capacity.
 16 MR. WHITE: I'm not arguing with
 17 you. I mean, I'm just telling you
 18 that -- saying that she's, you know,
 19 under Rule 45 is just stating the
 20 obvious.
 21 MR. LESTER: I object. I'm
 22 going to allow her to answer the question
 23 just so that that objection is reserved.

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1 But go ahead.
 2 A. I don't have an opinion. I
 3 follow the law and the statutes as the
 4 secretary of state's office has
 5 instructed us to conduct elections, and
 6 the notice of provisional ballot is part
 7 of that.
 8 Q. All right. So we can put that
 9 to the side.
 10 A. Okay.
 11 Q. All right. So after absentee
 12 ballots are processed and counted, do you
 13 transmit that data to the State Board of
 14 Election Commissioners?
 15 A. No. It is -- I believe it's --
 16 it's put on the state -- the secretary of
 17 state's website.
 18 Q. Okay.
 19 A. It's an electronic transmission.
 20 Q. How does the State receive the
 21 information to put on the website?
 22 A. There's a package of software
 23 that is used, and I'm not terribly

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1 familiar with that.
 2 Q. Uh-huh. Okay. So data related
 3 to ballots -- absentee ballots that were
 4 not counted is relayed to the State;
 5 correct?
 6 A. Oh. I thought -- I
 7 misunderstood. I thought you were
 8 talking about the general election
 9 results.
 10 Q. Okay. I'm talking about the
 11 specific reasons that absentee ballots
 12 were not counted. That specific data, is
 13 it transmitted to the State?
 14 A. I don't know.
 15 Q. Okay.
 16 A. Certainly not immediately.
 17 Q. Uh-huh.
 18 A. Because the people who are -- we
 19 still have people who are coming at noon
 20 on Monday, so it can't be transmitted
 21 without that information.
 22 Q. Is it transmitted after that
 23 date?

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1 MR. LESTER: Objection, asked
 2 and answered.
 3 A. It has to be.
 4 Q. Okay. And do you know
 5 approximately when it would be
 6 transmitted to the State?
 7 A. We certify on the Friday ten
 8 days after the election, and that's when
 9 our results are transmitted to the State.
 10 Q. Uh-huh. Okay. And that was the
 11 case in 2020?
 12 A. As far as I can recall, yes.
 13 Q. Okay. And that was the case in
 14 2018 as well?
 15 A. Yes.
 16 Q. Okay.
 17 A. It would have been.
 18 Q. And do you plan on that being
 19 the case for this election?
 20 A. Well, we've already done it.
 21 MR. WHITE: Object to form.
 22 Brooks White.
 23 Q. For 2022?

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1 A. Yes. And, I mean, as I told
 2 you, we're doing a runoff election today.
 3 Q. Yeah.
 4 A. And we will follow the same
 5 procedure.
 6 Q. Okay. Okay. All right. So if
 7 we just look at Exhibit 3 again, which is
 8 the training manual, 2022 County Board of
 9 Election Commissioners Training, and if
 10 we just open to Bates stamp ending in
 11 987. Okay.
 12 Okay. So this, I will represent
 13 for the record, the page is titled
 14 "Ballot Disposition Report." Do you
 15 recognize this?
 16 A. I do.
 17 Q. Okay. So you and the other
 18 three commission- -- or two
 19 commissioners, you fill out this
 20 ballot -- do you fill out this ballot
 21 disposition report?
 22 A. We review it. It is an
 23 electronic form that is created on an

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1 Excel spreadsheet, and our director will
 2 fill it in and submit it to us for review
 3 and questions.
 4 Q. Okay. And then the first bullet
 5 says that "Must be Filed with SBEC within
 6 30 days of an Election."
 7 A. Yes.
 8 Q. Do you see that?
 9 A. I do.
 10 Q. Okay. So in Washington County,
 11 do you submit this file, this form with
 12 SBEC within 30 days of --
 13 A. Yes.
 14 Q. -- an election? Okay.
 15 MS. TENNELL: And what am I on?
 16 I think we're on Exhibit 10 now.
 17 THE COURT REPORTER: Correct.
 18 MS. TENNELL: Okay. So, Madam
 19 Court Reporter, I'm marking Exhibit 10.
 20 And this is titled "Ballot Disposition
 21 Report," and I'm going to just hand one
 22 copy to the witness, and I'm going to
 23 hand one copy to the State.

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1 THE WITNESS: Sorry about that.
 2 All right.
 3 Q. And I'm just going to read for
 4 the record. "Election Type," "Runoff
 5 Election"; "Date of Election,"
 6 "6/21/2022"; "Cnty. Conducting Election,"
 7 "Washington."
 8 Have you seen this ballot
 9 disposition report before?
 10 (Plaintiff's Exhibit 10 was marked for
 11 identification and is attached.)
 12 A. Yes.
 13 Q. Okay. So if we just take a look
 14 at this, it lists reasons why provisional
 15 ballots and absentee ballots are not
 16 counted.
 17 A. Uh-huh.
 18 Q. Correct?
 19 A. Uh-huh.
 20 Q. Okay.
 21 A. Yes.
 22 Q. And if you just turn to page 3
 23 of this report, as you explained, we have

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1 the director of elections who certified
 2 that this information provided on this
 3 report is true and correct --
 4 A. Yes.
 5 Q. -- to the best of her knowledge
 6 and belief; right?
 7 A. Correct.
 8 Q. Okay. And it would -- would you
 9 have the commissioners review the
 10 information --
 11 A. Yes.
 12 Q. -- before she signed?
 13 A. Yes, before she signed, and we
 14 would ask questions if there was anything
 15 that seemed unclear. I believe that some
 16 of these boxes that are shaded are -- are
 17 actually -- what do you call them --
 18 boxes that have -- have been -- they have
 19 code in them to give the totals that
 20 actually come up. Does that make sense?
 21 It's an Excel spreadsheet.
 22 Q. Uh-huh.
 23 A. And so all she's doing is

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1 entering in these other columns and then
 2 it is totalling in this column, 15, 18,
 3 19, 20, and 21.
 4 Q. Okay. But for the record,
 5 you're pointing out that the director is
 6 filling in the totals on the white spaces
 7 next to the reason?
 8 A. Yes.
 9 Q. And the gray spaces on page 3
 10 are automatically totalled --
 11 A. Correct.
 12 Q. -- in the Excel spreadsheet?
 13 A. Yes.
 14 Q. Okay. All right. And who at
 15 the State level do you submit this
 16 document to?
 17 A. This goes to the State Board of
 18 Election Commissioners.
 19 Q. Okay.
 20 A. It gives instructions at the
 21 bottom. It's to be completed and filed
 22 with the State Board of Election
 23 Commissioners within the 30 days.

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1 Q. Okay. And can I just have you
 2 turn with me to page 2 of this report.
 3 And if you just look at the very bottom
 4 section, it says, "Reasons for Absentee
 5 Ballot's Rejection (Non-Provisionals)."
 6 And if you look at line F, there's a 1
 7 next to "CBEC determined Signature did
 8 not Compare."
 9 A. Uh-huh.
 10 Q. Okay. So the three
 11 commissioners determined that one
 12 absentee ballot --
 13 A. Correct.
 14 Q. -- in this runoff election, the
 15 Republican primary runoff election didn't
 16 count?
 17 A. Yes, that's correct.
 18 Q. Okay. All right. Okay. So if
 19 we want, we can continue or we can take
 20 one last break. What would you like to
 21 do?
 22 A. I would like to get this over
 23 with. I've got an election going on at

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1 the courthouse.
 2 Q. Okay. So we'll continue, then.
 3 A. Okay.
 4 Q. But you let me know if you need
 5 a break.
 6 A. Okay. Okay.
 7 MR. WHITE: How much longer do
 8 you anticipate?
 9 MS. TENNELL: Not too much
 10 longer. We should be done soon.
 11 Q. All right. So, does the County
 12 Board of Election Commissioners receive
 13 funds for election-related expenses from
 14 the State?
 15 A. That's a multifaceted question.
 16 We -- the State pays the cost of the
 17 primary elections. And other elections,
 18 I don't recall all the details.
 19 Q. Uh-huh.
 20 A. But we bill certain elections to
 21 certain entities, such as a municipal
 22 election, we get -- our cost is
 23 reimbursed by the municipality. That's a

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1 general rule.
 2 Q. Okay. The full cost is -- is
 3 reimbursed by the municipality or just a
 4 percentage?
 5 A. There's a formula, and I -- and
 6 I don't know the exact formula.
 7 Q. Okay. Does Washington County
 8 Board receive funds from the State?
 9 A. Our election -- our election
 10 department is -- it's a strange thing.
 11 The County pays our budget. But I don't
 12 know -- I don't know if they get
 13 reimbursed from the State or not. I
 14 don't think they do. This is unclear to
 15 me.
 16 Q. Uh-huh.
 17 A. All I know is we have a budget.
 18 We submit it to the County. The County
 19 funds us.
 20 Q. Okay. Okay. And in the budget
 21 that you submit, are there specific line
 22 items --
 23 A. Yes.

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1 Q. -- for specific funds?
 2 A. Oh.
 3 Q. Or is it just a lump sum?
 4 A. No. We have -- we have
 5 categories for everything.
 6 Q. Okay. Who decides those
 7 categories?
 8 A. We go over the budget every
 9 September. Actually, we're doing it
 10 earlier than that now. But there is
 11 some -- there is some discussion with the
 12 comptroller's office. We -- we work
 13 through it compared to previous years.
 14 Q. Uh-huh.
 15 A. On an off year, we don't have as
 16 many elections, so our budget is less.
 17 Q. Okay.
 18 A. And we -- and we have to have
 19 our budget approved by the Quorum Court
 20 too.
 21 Q. Okay.
 22 THE COURT REPORTER: I'm sorry,
 23 Ms. Oelschlaeger, by the whom?

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1 THE WITNESS: The Quorum Court,
 2 the Washington County Quorum Court.
 3 MR. LESTER: Q-U-O-R-U-M.
 4 THE COURT REPORTER: Got it.
 5 Thank you.
 6 MR. WHITE: I'm a spelling bee
 7 champ.
 8 Q. (By Ms. Tennell) Okay. And who
 9 was in that -- that meeting where you're
 10 discussing -- you mentioned it might be
 11 earlier than September this year --
 12 that --
 13 A. The budget meetings?
 14 Q. Yes. Who is in that meeting?
 15 A. Well, all of the commissioners
 16 are, members of the staff, the director,
 17 the public.
 18 Q. Uh-huh.
 19 A. Because we're -- we're
 20 streaming.
 21 Q. Okay. Is there any
 22 representative from the State that
 23 attends those meetings?

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1 A. No.
 2 Q. Okay. All right. And may you
 3 request funds from the State? Not you,
 4 but Washington County Board of Election
 5 Commissioners, may you request funds from
 6 the State of Arkansas?
 7 A. I suppose it would depend upon
 8 the situation.
 9 Q. Can you give me an example?
 10 A. When we bought -- when we
 11 purchased election equipment, we did so
 12 with some funding from the State.
 13 Q. Uh-huh. Okay. And what
 14 election was that?
 15 A. It might have been 2016 or 2014.
 16 It's been a while ago.
 17 Q. Is there a time that you can
 18 recall after like 2014 or 2016 when you
 19 had to request funds from the State?
 20 A. I don't recall.
 21 Q. Okay. All right. And are any
 22 -- is there any specific categories that
 23 are covered under election-related

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1 expenses? For example, ballots are
 2 counted under election-related expenses,
 3 or is it machines, counting machines? Is
 4 there any specific items, or can it be
 5 anything that's needed for the election?
 6 A. We are paid for each poll worker
 7 that we hire.
 8 Q. Uh-huh.
 9 A. But we are not paid in total.
 10 Some of that has to come from the County.
 11 I'm not sure if that answers
 12 your question or not.
 13 Q. I want to just clarify. When
 14 you say you pay poll workers and then
 15 some has to come from the County?
 16 A. Yes. The State will pay a
 17 certain portion. I forget the exact
 18 amount. But we have to cover the rest.
 19 Q. I see. Okay.
 20 A. The County has to cover the
 21 rest.
 22 Q. Okay. Got it.
 23 Okay. And do -- does Washington

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1 County receive State funds for the
 2 absentee ballot election officials?
 3 A. No. I mean, that comes -- that
 4 -- we don't -- we don't segregate one
 5 kind of hiree from another. They're all
 6 paid in the same --
 7 Q. I see. So the poll -- like how
 8 you described, the State pays the poll
 9 workers, and sometimes the County covers
 10 part of it?
 11 A. They always cover it.
 12 Q. They cover the --
 13 A. The County always covers the
 14 full amount. The State will reimburse us
 15 for only a set amount.
 16 Q. I see.
 17 A. Per hour, I think it is.
 18 Q. Okay. And that applies with
 19 absentee ballot election officials?
 20 A. Every election official.
 21 Q. Okay.
 22 MS. TENNELL: All right. So I'm
 23 just going to, Madam Court Reporter, mark

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1 Exhibit 11.
 2 THE COURT REPORTER: Correct.
 3 MS. TENNELL: And Exhibit 11 is
 4 the Washington County Election
 5 Commission, Washington County Courthouse,
 6 and this is a letter to the Washington
 7 County City Clerks dated December 12th,
 8 2018. So I'm going to give the witness
 9 one copy, and I'm going to give the State
 10 one copy.
 11 Q. All right. Have you seen this
 12 letter before?
 13 (Plaintiff's Exhibit 11 was marked for
 14 identification and is attached.)
 15 A. I believe I have. I don't
 16 recall it. I recall the form.
 17 Q. Okay. So if you -- if you just
 18 look at this kind of middle section, and
 19 then it says, "Following is a breakdown
 20 of the expenses over the November 6, 2018
 21 General Election in Washington County."
 22 And it has "Ballots," "Programming,"
 23 "Advertisements," "Early Vote," "Poll

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1 workers and supervisor mileage,"
 2 "Absentee ballot canvassers," et cetera
 3 listed. And it has amounts --
 4 A. Uh-huh.
 5 Q. -- next to each line. Okay. So
 6 this is -- is this a breakdown of the
 7 expenses for the general election in 2018
 8 for the entire Washington County?
 9 A. I don't think you can strictly
 10 say that. These are just the
 11 reimbursable expenses that we presented.
 12 Q. I see. Okay. And as -- if you
 13 can just recall, because this is -- this
 14 letter is 2018.
 15 A. Uh-huh.
 16 Q. If you can recall for 2020, was
 17 this total amount one thousand, eight
 18 hundred -- I mean, I'm sorry,
 19 \$183,582.72, was that like a similar
 20 total to 2020 or was -- in 2020, was it
 21 higher or was it lower?
 22 A. Well, it would have been higher
 23 because it was a presidential year in

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1 2020.
 2 Q. Uh-huh.
 3 A. And I can't give you the exact
 4 figure, but I know it would have been
 5 higher.
 6 Q. And if you can recall, do you
 7 know what line may have been higher in
 8 2020, or would it have been maybe all of
 9 them?
 10 A. All of them.
 11 Q. Okay. Do you think that the
 12 absentee ballot canvassers -- here, it's
 13 \$1,614.60. Would that have been higher
 14 in 2020, do you think?
 15 A. I think it would have been
 16 significantly higher because it was
 17 dealing with thirteen -- over 13,000
 18 votes.
 19 Q. Uh-huh.
 20 A. And in 2018, we probably had I'm
 21 guessing less than 2,000.
 22 Q. Okay.
 23 A. Maybe even half that.

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1 Q. Do you recall an estimate --
 2 A. No.
 3 Q. -- of the number?
 4 A. No. I -- I'm not a numbers
 5 person.
 6 Q. Okay. All right. Okay. We can
 7 put this to the side, then.
 8 All right. I just have a few
 9 more questions, and then we'll be done.
 10 A. Okay.
 11 Q. All right. So in your
 12 experience as a commissioner, have you
 13 encountered any instances of fraud in
 14 absentee ballot applications?
 15 MR. WHITE: Object to form.
 16 Brooks White.
 17 A. We're not tasked to look for
 18 fraud.
 19 Q. Uh-huh.
 20 A. That's not in our purview, I
 21 guess.
 22 Q. Okay. Do you recall any
 23 specific example of the Washington County

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1 Board of Election Commissioners having an
 2 issue with fraud?
 3 MR. WHITE: Object to form.
 4 Brooks White.
 5 A. No, I don't.
 6 Q. Okay. So if we can think back
 7 on the absentee ballots who were rejected
 8 due to signatures not matching, you
 9 wouldn't say that it was due to fraud
 10 that they didn't match?
 11 MR. WHITE: Object to form.
 12 Brooks White.
 13 A. I would have no way of
 14 determining that.
 15 Q. Okay.
 16 A. We would have no way of
 17 determining that as a commission.
 18 Q. Okay. Do you think that the
 19 rules that are in place allow you to
 20 verify a voter's identity? Like we were
 21 discussing, the date of birth, the name,
 22 and the address, and the signature, do
 23 you think those adequately allow you to

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1 verify a voter's identity?
 2 A. We have standards that we have
 3 to address. We don't question whether
 4 they're adequate or not, just that these
 5 are the measures that we're required to
 6 use.
 7 Q. Okay. And do you think that
 8 providing notice and cure for absentee
 9 ballots diminishes any chance that fraud
 10 could be occurring in elections?
 11 MR. LESTER: Object.
 12 MR. WHITE: Object to form.
 13 Brooks White.
 14 MR. LESTER: I join that
 15 objection.
 16 A. I would have no way of knowing.
 17 Q. Okay. Do you have an opinion on
 18 whether providing notice and cure in
 19 relation to absentee ballots ensures the
 20 integrity of elections?
 21 MR. WHITE: Object to form.
 22 Brooks White.
 23 MR. LESTER: Join.

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1 A. Again, I would have no way of
 2 knowing.
 3 Q. Okay. Okay. And do you have an
 4 opinion on whether more voters would vote
 5 absentee if they were provided notice and
 6 cure in relation to their absentee
 7 ballots?
 8 MR. WHITE: Object to form.
 9 Brooks White.
 10 MR. LESTER: Join.
 11 A. I would have no way of knowing.
 12 Q. Okay.
 13 Okay. Well, that was my last
 14 question. Well, thank you for your time.
 15 MR. LESTER: Do you have any
 16 follow-up questions?
 17 MR. WHITE: I don't. Do you?
 18 MR. LESTER: I was going to ask
 19 one follow-up question, if that's okay.
 20
 21 EXAMINATION BY MR. LESTER:
 22 Q. You -- counselor asked about
 23 looking at the signatures and the amount

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1 of time, and I just -- it prompted one
 2 question.
 3 When the Election Commission,
 4 the three of you, are looking at
 5 signatures and determining whether the
 6 signatures match, if there -- if one or
 7 more commissioners feels like there's not
 8 a match or even if there -- or there is,
 9 if there's a disagreement at all
 10 regardless of how that is, is more -- is
 11 more time spent by the election
 12 commissioners on reviewing that? I mean,
 13 do y'all have any discussions?
 14 You know, you kind of stated
 15 that it was all the same and it took the
 16 same amount of time, but I'm wondering
 17 if, when there is a disagreement, if that
 18 -- the same holds true for that.
 19 A. No. That's -- I went too
 20 quickly, I think, on that. It's not a
 21 casual process for us. But if there is
 22 some disagreement among the three
 23 commissioners, we discuss those. We

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1 deliberate. I think that we spend the
 2 amount of time necessary to give that
 3 voter or that ballot an adequate
 4 consideration, probably more time than
 5 they've spent writing down their name.
 6
 7 REEXAMINATION BY MS. TENNELL:
 8 Q. How would you know that?
 9 A. So we -- I wouldn't know that.
 10 I'm just suggesting that we -- we
 11 deliberate.
 12 Q. Uh-huh.
 13 A. If deliberation is needed and --
 14 and warranted based on one commissioner
 15 says, "Man, I really think this is their
 16 right one," and the rest of us, "Well, we
 17 want to know those reasons why you think
 18 that."
 19 And -- and normally if there is
 20 discussion and somebody feels very
 21 strongly about it, the other two will be
 22 persuadable and usually are, because we
 23 want everybody to vote. We want to be

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1 able to consider every ballot that has
 2 been submitted to us.
 3 Q. Right. So you're saying if one
 4 person feels strongly, the other two
 5 commissioners will jump on board with
 6 that one person?
 7 A. Well, not necessarily jump on
 8 board, but we will certainly give it
 9 second and third consideration.
 10 Q. Okay. And is that consideration
 11 to accept that ballot instead of
 12 rejecting it?
 13 A. It depends on -- on how
 14 persuasive the one who feels it should be
 15 accepted is and how reasonable.
 16 Q. Uh-huh.
 17 A. Because if there are reasons it
 18 should be accepted, we're going to listen
 19 to that.
 20 Q. Okay.
 21 A. And determine it on that basis.
 22 Q. Okay. And I guess I'm curious
 23 now because -- let's see. If we can

Page 166	<p>1 just -- if we can just turn back in</p> <p>2 Exhibit 3, which is Bates ending in 953,</p> <p>3 that page about Robert Beach that we were</p> <p>4 discussing. Yeah. Okay. So if -- you</p> <p>5 know, you had stated that these two</p> <p>6 signatures are dissimilar --</p> <p>7 A. Yes.</p> <p>8 Q. -- enough to warrant them not</p> <p>9 being counted?</p> <p>10 A. Correct.</p> <p>11 Q. And would you feel -- did you</p> <p>12 feel strongly about that?</p> <p>13 A. Well, my personal opinion would</p> <p>14 be they are not the same. However, if</p> <p>15 another commissioner says, "I disagree,"</p> <p>16 then we start to -- parse is not the</p> <p>17 right word, but we -- and again, we</p> <p>18 always acknowledge we're not signature</p> <p>19 experts.</p> <p>20 Q. Yeah.</p> <p>21 A. But we do look at the issues to</p> <p>22 be considered as it shows here and</p> <p>23 evaluate those, weigh them, and make a</p>	Page 168	<p>1 Q. Uh-huh. All right. And how</p> <p>2 much time do you think you would spend?</p> <p>3 Because you say you can't spend all</p> <p>4 night.</p> <p>5 A. Yeah.</p> <p>6 Q. Like around how much time do you</p> <p>7 think you spend?</p> <p>8 A. It's hard to say. Maybe a</p> <p>9 couple of minutes.</p> <p>10 Q. Okay.</p> <p>11 A. Probably not more than a couple</p> <p>12 of minutes.</p> <p>13 Q. Okay.</p> <p>14 A. Because you can -- you can point</p> <p>15 out the factors pretty quickly.</p> <p>16 Q. Uh-huh.</p> <p>17 A. But that's -- that's not</p> <p>18 terribly -- it's not a fine point of</p> <p>19 science to determine that for us.</p> <p>20 Q. Right.</p> <p>21 THE COURT REPORTER: I'm sorry,</p> <p>22 I can't hear you, Ms. Oelschlaeger.</p> <p>23 THE WITNESS: Oh, I'm sorry.</p>
Page 167	<p>1 final determination.</p> <p>2 Q. Uh-huh. Okay. So you think if</p> <p>3 you were presented with this example and</p> <p>4 with the other two commissioners, you</p> <p>5 would have a discussion with them about</p> <p>6 this because you --</p> <p>7 A. Yes.</p> <p>8 Q. -- initially thought --</p> <p>9 A. Yes. It wouldn't be just a</p> <p>10 (indicating): "We're done. Go to the</p> <p>11 next one."</p> <p>12 Q. Uh-huh.</p> <p>13 A. If somebody felt strongly about</p> <p>14 it one way or the other, we would take</p> <p>15 that under advisement.</p> <p>16 Q. Okay. And how much time do you</p> <p>17 think you would spend kind of debating</p> <p>18 that?</p> <p>19 A. We could probably work all night</p> <p>20 on it, and it would be not very helpful,</p> <p>21 so we have to make a pretty quick</p> <p>22 determination but based on subjective</p> <p>23 views of the signatures.</p>	Page 169	<p>1 A. I'm just observing this -- this</p> <p>2 form talks about proportion of the M</p> <p>3 finish and there's no M finish in this</p> <p>4 particular set of signatures.</p> <p>5 Q. Yeah. All right. Well, thank</p> <p>6 you so much.</p> <p>7 MS. TENNELL: If there's no</p> <p>8 further questions, I think we can</p> <p>9 conclude.</p> <p>10 MR. WHITE: That'll do it.</p> <p>11 THE VIDEOGRAPHER: We're going</p> <p>12 off the record. The time is</p> <p>13 approximately 12:37 p.m.</p> <p>14</p> <p>15 END OF DEPOSITION</p> <p>16 (12:37 p.m. Central)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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Exhibit 6

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 WESTERN DISTRICT OF ARKANSAS
3 FAYETTEVILLE DIVISION

4 LEAGUE OF WOMEN VOTERS OF ARKANSAS, et al.,
5 Plaintiff,

6 VS. Civil No. 5:20-cv-05174-PKH

7
8 JOHN THURSTON, IN HIS OFFICIAL CAPACITY
9 AS THE SECRETARY OF STATE OF ARKANSAS, et al.,
10 Defendant.

11
12
13
14 VIDEOTAPED VIDEO CONFERENCE DEPOSITION
15 OF
16 DAVID SCOTT
17 JANUARY 11, 2023

18
19
20
21
22 ALPHA REPORTING -- A VERITEXT COMPANY
23 236 Adams Avenue
24 Memphis, Tennessee 38103
25 901-523-8974
 www.Veritext.com

Page 2

1 The videotaped deposition of DAVID SCOTT
 2 is taken on this, the 11th day of January 2023,
 3 on behalf of the Plaintiff, pursuant to notice
 4 and consent of counsel, beginning at
 5 approximately 9:00 a.m. via Zoom video
 6 conference.
 7 This deposition is taken pursuant to the
 8 terms and provisions of the Federal Rules of
 9 Civil Procedure.
 10 All forms and formalities are waived.
 11 Objections are reserved, except as to form of the
 12 question, to be disposed of at or before the
 13 hearing.
 14 The signature of the witness is waived.
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 3

1 A P P E A R A N C E S
 2
 3 FOR THE PLAINTIFF:
 4
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1 P R O C E E D I N G S
 2
 3 THE VIDEOGRAPHER: We're on the record
 4 at 9:07 a.m. Today is January 11, 2023. This is
 5 the remote video deposition of David Scott in the
 6 matter of the League of Women Voters of Arkansas,
 7 et al. versus Thurston, et al., Civil Action
 8 Number 5:20-cv-05174-PKH, in the United States
 9 District Court for the Western District of
 10 Arkansas Fayetteville Division.
 11 Will counsel please make a record of
 12 your appearance.
 13 MR. WILLIFORD: Good morning. I'm
 14 Harold Williford for -- (audio disruption). Can
 15 you hear me? Sorry. Let me -- I will project
 16 more.
 17 My name is Harold Williford from
 18 Debevoise & Plimpton. I represent Plaintiffs
 19 League of Women Voters of Arkansas, Shirley
 20 Fields, John McNee, Mary McNamer and Marnette
 21 Wendi Pennington.
 22 MR. FORD: Good morning. My name is
 23 Matthew Ford. I'm with the Office of the
 24 Arkansas Attorney General, and I represent the
 25 defendants in this action.

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1 MR. JENNER: My name is Frank Jenner,
 2 and I am Mr. Scott's attorney with the office of
 3 the Pulaski County Attorneys Office.
 4 THE VIDEOGRAPHER: Thank you. Will the
 5 court reporter please swear in the witness.
 6 DAVID SCOTT,
 7 Having been first duly sworn, was examined
 8 and testified as follows:
 9 EXAMINATION
 10 BY MR. WILLIFORD:
 11 Q. Good morning, Mr. Scott. Have you ever
 12 been deposed before?
 13 A. No.
 14 Q. It might be helpful to go over a few key
 15 points. First, as you know, there's a court
 16 reporter here today. For recordkeeping purposes
 17 it's important that you verbalize your answers so
 18 that she can hear you. The record will not
 19 reflect nods or shaking your head or other
 20 nonverbal answers. Do you understand that?
 21 A. Yes, I do.
 22 Q. If you do not understand a question or
 23 do not understand the way a question is phrased,
 24 please let me know and we can rephrase the
 25 question. Do you understand that?

Page 7

1 A. I do.
 2 Q. If you need to take a break at any time
 3 please let me know and we'll go off the record.
 4 I only ask that we not break while a question is
 5 pending. Do you understand that?
 6 A. Yes, I do.
 7 Q. And finally, Polly, our long-suffering
 8 court reporter, will not be able to hear us if
 9 we're talking over each other. So I will do my
 10 best not to talk over you, and I will ask that
 11 you try and do the same. Is that okay?
 12 A. Certainly.
 13 Q. And you understand that this testimony
 14 may be shown to a judge or jury in the future of
 15 this litigation?
 16 A. I do.
 17 Q. Is there any reason you cannot testify
 18 today?
 19 A. No.
 20 Q. Did you review the Complaint attached to
 21 the subpoena that plaintiffs served?
 22 A. I did.
 23 Q. Can you please state your current
 24 profession?
 25 A. I'm a licensed attorney in the state of

Page 8

1 Arkansas.
 2 Q. What kind of law do you practice?
 3 A. I am a government lawyer.
 4 Q. How long have you practiced law in
 5 Arkansas?
 6 A. Approximately 17 years.
 7 Q. And you are currently a member of the
 8 Pulaski County Board of Election Commissioners,
 9 correct?
 10 A. That's correct.
 11 Q. What is your position on the Pulaski
 12 County Board of Election Commissioners?
 13 A. I am the chairman.
 14 Q. And is it okay if we refer to the
 15 Pulaski County Board of Election Commissioners as
 16 the Pulaski CBEC or just CBEC?
 17 A. Certainly.
 18 Q. When did you become CBEC Commissioner?
 19 A. That would have been in January of 2021.
 20 I can't recall the exact date but January of
 21 2021.
 22 Q. Understood. Were you elected to that
 23 position?
 24 A. Yes.
 25 Q. By whom?

Page 9

1 A. The Pulaski Republican Committee.
 2 Q. Can you briefly describe your
 3 responsibilities as Chair and Commissioner?
 4 A. Well, as the Chair I am responsible for
 5 the agenda of the Board, if we want to call it
 6 that for short. My responsibilities beyond that
 7 are the same as the other commissioners, which
 8 those responsibilities are to see that all the
 9 election laws are followed and that -- and in
 10 keeping as we follow those laws we also utilize
 11 the training and the materials that the State
 12 Board has given to us. And I'm talking about the
 13 Arkansas State Board of Election Commissioners.
 14 Q. And do you understand yourselves to be
 15 required to follow the training and guidance from
 16 the State Board of Election Commissioners?
 17 A. You broke up a little bit. I'm going to
 18 ask you to restate that.
 19 Q. No problem. Are you required to follow
 20 that training from the State Board of Election
 21 Commissioners?
 22 A. Yes.
 23 Q. In addition to your work as Commissioner
 24 of the CBEC, have you done any other professional
 25 work related to elections?

Page 10

1 A. No.
 2 Q. Have you done any other volunteer work
 3 related to elections?
 4 A. During my time as a Commissioner?
 5 Q. In the last 20 years.
 6 A. Well, before -- before I was actually on
 7 the commission I've been active at the Pulaski
 8 Republican Committee which we do a number of
 9 things related to campaigns, you know,
 10 fundraising and so forth for various candidates.
 11 Q. As a commissioner on the CBEC, one of
 12 your responsibilities is to review absentee
 13 ballots flagged by poll workers, correct?
 14 A. That's correct.
 15 Q. How are absentee ballots flagged for
 16 review by the Pulaski County CBEC?
 17 A. I'm going to assume that you're asking
 18 me how they're flagged by the poll workers that
 19 are canvassing for further review by the Board.
 20 Was that your question?
 21 Q. Correct.
 22 A. Okay. During the process of canvassing,
 23 and there are two poll workers, absentee clerks,
 24 that are at all times doing this canvassing, if
 25 they find what would be considered an irregular

Page 11

1 absentee ballot, meaning that one of the data
 2 points between the absentee ballot application
 3 and the voter statement don't compare, then they
 4 would set that assign for the Board. If you want
 5 to just call it "the Board" that may be an easier
 6 term to use than all the letters. They would set
 7 that aside for the Board to review.
 8 Q. When do the poll workers canvas the
 9 absentee ballots?
 10 A. They can begin looking in the outer
 11 envelopes seven days prior. Can't look into the
 12 secrecy envelope at that time but --
 13 Q. They -- go ahead. The secrecy envelope
 14 only contains the absentee ballot, correct?
 15 A. If the voter has properly put together
 16 their materials.
 17 Q. Understood.
 18 A. They might have put it all in that
 19 secrecy envelope. We don't -- you don't know
 20 that and -- anyway.
 21 Q. In Pulaski County when do poll workers
 22 typically begin canvassing absentee ballots?
 23 A. I think I answered that question for
 24 you.
 25 Q. Well, I understood you to say they may

Page 12

1 begin up to seven --
 2 A. Generally, we have them begin at the
 3 earliest that the law allows because there's a
 4 number of them normally to review.
 5 Q. How do poll workers notate the reason
 6 they consider an absentee ballot to be irregular?
 7 A. They would notate that on a form.
 8 Q. How many poll workers review each
 9 absentee ballot?
 10 A. Well, as I said before, there's two
 11 absentee clerks that are looking at each ballot,
 12 so they work in pairs of two. If that's what
 13 you're asking me. Two poll workers -- or two
 14 absentee ballot clerks is a better term. They're
 15 absentee ballot clerks on one ballot at a time.
 16 Q. Do the absentee ballot clerks have to
 17 agree that a ballot be irregular to set it aside
 18 for the Board to review?
 19 A. Either one of them can think it's
 20 irregular. If they both agreed that it compared,
 21 they would move it on through this process.
 22 Q. Are members of the Board involved in the
 23 canvassing process?
 24 MR. JENNER: Object to form.
 25 A. Do you mean -- I take that to mean in

Page 13

1 the initial canvassing process. Is that your
 2 question?
 3 Q. Correct. The canvassing by the poll
 4 workers.
 5 A. Generally -- generally not. I mean, we
 6 might walk in the room and just say hello and see
 7 who's working, but we're not involved in the
 8 actual canvassing of that, no.
 9 MR. WILLIFORD: Clara, could you please
 10 pull up DEFS_070181 which we will mark as Exhibit
 11 1.
 12 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
 13 WAS MARKED AS EXHIBIT NO. 1 TO THE TESTIMONY OF
 14 THE WITNESS AND IS ATTACHED HERETO.)
 15 BY MR. WILLIFORD:
 16 Q. Mr. Scott, do you recognize this
 17 document?
 18 A. I do.
 19 Q. What is it?
 20 A. That is an Arkansas Application for an
 21 Absentee Ballot.
 22 Q. When a voter fills out the application
 23 for an absentee ballot they must provide their
 24 name, date of birth, and address, correct?
 25 A. You broke up a little bit. Would you

Page 14

1 repeat that?
 2 Q. Of course. When a voter applies for an
 3 absentee ballot they must provide their name,
 4 date of birth, and address on this form, correct?
 5 A. That's correct.
 6 Q. The voter signs the form, correct?
 7 A. Yes.
 8 Q. An absentee voter is required to submit
 9 a voter statement is along with the absentee
 10 ballot, correct?
 11 A. That is correct.
 12 Q. The voter provides name, date of birth,
 13 and address on the voter statement, correct?
 14 A. Yes.
 15 Q. And the voter signs the statement,
 16 correct?
 17 A. Yes.
 18 Q. One step of the Board's review is to
 19 compare the voter statement with the absentee
 20 ballot application, correct?
 21 A. Let me clarify that question a little
 22 bit. We would be comparing irregular ballots
 23 that had been set aside by the absentee ballot
 24 clerks. By the -- is that what you're trying to
 25 ask me?

Page 15

1 Q. Yes.
 2 A. Okay.
 3 Q. As I understand by the term, we're
 4 referring to the Board's review --
 5 A. Yes.
 6 Q. -- to the irregular absentee ballots.
 7 A. Right, okay.
 8 Q. So I'll repeat the question. One step
 9 of the Board's review is to compare the name,
 10 date of birth, address, and signature on the
 11 voter statement with the name, date of birth,
 12 address, and signature on the absentee ballot
 13 application, correct?
 14 A. Yes.
 15 Q. An absentee ballot may be disqualified
 16 if the Board determines that the name of the
 17 voter on the two documents does not compare,
 18 correct?
 19 A. Yes, that's correct.
 20 Q. An absentee ballot may be disqualified
 21 if the Board determines that the address of the
 22 voter written on these two documents does not
 23 compare, correct?
 24 A. That is correct.
 25 Q. An absentee ballot may be disqualified

Page 16

1 if the date of birth of the voter written on the
 2 two documents does not compare, correct?
 3 A. That is correct.
 4 Q. An absentee ballot may be disqualified
 5 if the Board determines that the signature of the
 6 voter written on these two documents does not
 7 compare, correct?
 8 A. That is correct.
 9 Q. What does it mean for a name not to
 10 compare?
 11 A. Well, generally speaking, if you didn't
 12 have at least one component of the name that
 13 compared to the -- between the two documents --
 14 let me -- let me back that up.
 15 If all of the birth date, signature,
 16 address compared and you had at least one
 17 component of the name of the two documents, they
 18 would compare. They wouldn't have to be exact.
 19 The name doesn't have to be exactly the same.
 20 Abbreviations could be considered comparable. As
 21 I said, even if just one component of the name
 22 matched on both documents, if everything else
 23 matched that would be considered comparing as to
 24 the name.
 25 Q. What does it mean for an address not to

Page 17

1 compare?
 2 A. That's pretty straightforward. If the
 3 letters and numbers in the address are not the
 4 same, they don't compare. I mean, if you don't
 5 have the same address as to the street address
 6 city and state and ZIP code, those don't compare.
 7 Q. If for example, a voter wrote a ZIP code
 8 that differs by one digit on the two forms, would
 9 you conclude that that address does not compare?
 10 A. From the training that we received I
 11 would say that's true, that would not compare for
 12 the State Board's training.
 13 Q. What does it mean for a date of birth
 14 not to compare?
 15 A. It would mean that given a -- let me
 16 think about how to state this for you. If -- the
 17 date of birth could be stated in various formats
 18 as long as the substance of that date of birth is
 19 correct. Whether they stated the year first then
 20 the month and the day or whether they stated the
 21 month and the day and then the year, if those are
 22 -- all of those components are the same but just
 23 different formats, that compares.
 24 If the numbers are different, you know,
 25 if there's two different dates, two different

Page 18

1 years, two different months, that doesn't
 2 compare.
 3 Does that answer your question?
 4 Q. Yes. If a voter, for example, wrote the
 5 current year on one of the forms in their date of
 6 birth and a year that would reflect the age of
 7 someone qualified to vote on the other form,
 8 would you conclude that those dates of birth do
 9 not compare?
 10 MR. JENNER: Object to form.
 11 A. No, I would not say those compared if
 12 you had -- if someone had actually stated their
 13 birth date on one form in the birth date spot and
 14 they put the actual date -- a current date I
 15 think you said?
 16 Q. Yes.
 17 A. I would say those do not compare.
 18 Q. What does it mean for a signature not to
 19 compare?
 20 A. Well, the signature is really -- we
 21 follow -- the State Board's done a good job of
 22 laying out some -- basically a standard to look
 23 for. There needs to be a distinct difference
 24 between the two. And it really needs -- if you
 25 look in their guidance -- and I don't remember

Page 19

1 the exact page, but we keep their 2022 book handy
 2 for reference when we're looking at these type of
 3 things. And, in fact, I have it and I can quote
 4 from it if you wanted me to.
 5 But I can tell you the difference for
 6 the commissioners to believe or to find that a
 7 signature is not comparable would need for the
 8 commissioners to have an abiding conviction that
 9 these two signatures were written by two
 10 different people. That's almost verbatim. I'm
 11 not saying that's verbatim, but that's very close
 12 to what's written in their State Board's book.
 13 And right below that -- and this is a page where
 14 they have best practices -- I think the title of
 15 that page is "Best Practices for Canvassing
 16 Absentee Ballots".
 17 Below that part of the text where it
 18 speaks about that abiding conviction that there
 19 were two different people signing those forms, it
 20 goes through a number of different
 21 characteristics of the writing. And it's a
 22 fairly long list. It's eight or nine or so
 23 different characteristics that -- that they give
 24 as an example of the way to compare to help see a
 25 difference such as the slant, the shape of the

Page 20

1 letters, the pen lifts. The -- and if you'd like
 2 I can read them to you because when we're doing
 3 this we actually have it open and we're looking
 4 at that and we're discussing -- we discuss on the
 5 record these signatures as we analyze them. And
 6 the "we" is my Republican colleague and my
 7 Democrat colleague who are sitting there with me.
 8 And we discuss these signatures very carefully.
 9 And we are not trying to disqualify a
 10 voter unless -- I mean, we're not going to
 11 disqualify a signature unless we have that
 12 abiding conviction. And we go on the record and
 13 analyze those two signatures with all those
 14 factors. And if you want me to read them to you
 15 I'll open the book and read them out to you.
 16 Q. We would have to put it up as an
 17 exhibit, and we may get there. But, first, can
 18 you clarify what you mean by "on the record"?
 19 A. Well, we record -- all of our meetings
 20 are recorded. We play them on YouTube for people
 21 to see, and so we have a recording of us
 22 discussing what we're looking through.
 23 Q. Are those recordings maintained on
 24 YouTube after the meeting is finished?
 25 A. I believe that they're linked on our

Page 21

1 website. But I'm not certain to that, but I
 2 think they are.
 3 Q. Has there ever been disagreement between
 4 the three members of the Board about whether to
 5 disqualify a ballot?
 6 A. You know, I think there might have been
 7 -- to the best of my recollection was -- I can
 8 think of one. I can think of one where I believe
 9 -- I believe myself and my Democrat colleague
 10 felt like a signature compared and my other
 11 colleague didn't, and so we had that
 12 disagreement. But that signature was found to
 13 compare.
 14 But generally, no. We have had
 15 unanimous -- and we have -- it's a very low
 16 number. I don't know the number that are
 17 rejected, but it's a low number.
 18 Q. When you compare the absentee ballot
 19 application and the voter statement, how do you
 20 review the documents? I should clarify. Do you
 21 pass the documents around the room?
 22 A. Yes. Each commissioner looks at the
 23 documents. We each look at them and then we make
 24 a decision on them.
 25 Q. Do you take into account the absentee

Page 22

1 ballot clerk's assessment of the ballot when you
 2 are making your determination as a commissioner?
 3 A. No. Only to point us to what they think
 4 the problem is. But then we -- we are reviewing
 5 the ballot at that point.
 6 Q. Voter provided notice of the decision to
 7 disqualify a ballot?
 8 A. Is that a question?
 9 Q. Sorry. One of the words had been cut
 10 off. I asked: Is a voter notified of the
 11 decision by the Board to disqualify a ballot?
 12 A. Yes.
 13 Q. When are they -- when does the voter
 14 receive that notice?
 15 A. Well, I don't know when they receive
 16 that notice, but --
 17 Q. When are they sent the notice?
 18 A. They're sent out a notice First Class
 19 Mail it's my understanding to their address that
 20 they provided to the County clerk as to why their
 21 vote was rejected.
 22 Q. What form does the notice take?
 23 A. I'm not certain of the actual form of
 24 that.
 25 Q. Do you know of any instances where a

Page 23

1 voter was not provided notice about a
 2 disqualified ballot?
 3 A. I'm not aware of that.
 4 Q. Could a voter challenge the decision --
 5 could a voter challenge the decision to
 6 disqualify a ballot? Let me rephrase. Could a
 7 voter challenge the Board's decision to
 8 disqualify an absentee ballot?
 9 A. No.
 10 Q. When does the Board's meeting to review
 11 absentee ballots flagged as irregular by the
 12 absentee ballot clerks take place?
 13 A. Well, we normally have a couple of
 14 meetings. We will have one prior to election day
 15 to take into account the ballots that the clerks
 16 have looked at from the time that they actually
 17 started, that they were able to start according
 18 to Arkansas law. We will typically have a
 19 meeting within a few days of that. It depends on
 20 how many ballots we have to look at. And then of
 21 course we will have a review on election day and
 22 night to finish up anything that we haven't
 23 reviewed.
 24 Q. Does anyone else attend the meetings
 25 where the Board makes determinations whether to

Page 24

1 disqualify absentee ballots?
 2 A. The meetings are open to the public. I
 3 mean, if that's your question. I don't know who
 4 -- how many people attend. We have people
 5 attend, yes, at times.
 6 Q. What written records are kept of the
 7 Board's decisions with regard to the
 8 disqualification of absentee ballots?
 9 MR. JENNER: Object to form.
 10 A. There -- there is an irregular ballot
 11 form that I believe would be stored with those
 12 ballots that would be attached to each ballot.
 13 Q. Is that different from the irregular
 14 ballot form filled out by the absentee ballot
 15 clerk?
 16 A. No, it's not.
 17 Q. If the Board agrees with the absentee
 18 ballot clerk, the irregular ballot form is
 19 maintained to reflect the Board's decision; is
 20 that correct?
 21 A. Well, at the bottom -- at the bottom of
 22 the form there's a space where the Board makes
 23 its decision known in writing and initials and
 24 places -- each commissioner places their
 25 initials. And that's done on each -- each form

Page 25

1 that we actually look at. I mean, the ones that
 2 the Board reviews, right, the irregulars.
 3 Q. And does that process include any record
 4 of disagreement by a commissioner? So for
 5 example, if one commissioner continues to
 6 disagree with the determination of the other two
 7 commissioners.
 8 A. I believe that it has. I'm not certain.
 9 Like I said, we pretty much have a unanimous call
 10 on virtually all of them. I mean, there are I
 11 would say a handful at the most. And I can't
 12 recall -- I do believe there might have been a
 13 case where someone either didn't initial, which
 14 would show that they didn't agree, or maybe they
 15 even made a notation by their initials. But I
 16 can't recall for sure. We've looked at a lot of
 17 ballots.
 18 Q. How long does discussion of the
 19 comparison of an absentee ballot application and
 20 voter statement typically take the Board?
 21 A. Well, it depends on how complex of a
 22 question it is. And when I say that I mean if
 23 it's outright missing a birth date totally or if
 24 it's, you know, outright missing an address,
 25 something like that, it's pretty much prima facie

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1 that the commissioners will look at it, and it's
 2 pretty quick because it's a simple question.
 3 The more -- the signatures are the place
 4 where we take much more time. And if we're
 5 analyzing something, that's where we're going to
 6 take time. And I don't know, I can't give you a
 7 standard number of minutes, but we take a careful
 8 look at that.
 9 Q. Have you received any training on the
 10 review of absentee ballots as a member of the
 11 Board?
 12 A. Yes.
 13 Q. When was this training?
 14 A. That was the State Board's training. I
 15 can't give you the exact date. It was the
 16 statutorily-required training. And I think I
 17 also took some additional training. I'd have to
 18 go back to them to get the -- but I certainly was
 19 qualified by Arkansas law according to their
 20 training schedule and requirements.
 21 Q. What was the additional training to
 22 which you referred?
 23 A. Well, I think I -- I think I went to a
 24 poll worker training and may have -- I can't
 25 recall if I actually may have done any additional

Page 27

1 training. But I -- I believe I went to the
 2 County Board training and I do believe I went to
 3 a poll worker training.
 4 Q. And have you only been to one training
 5 for the County Board?
 6 A. Yes.
 7 Q. Was that in 2022?
 8 A. I'm not certain of the date. We'd have
 9 to research that. As I said, it was done within
 10 the statutory framework to empower me to act as
 11 an election official.
 12 Q. Who conducted the training?
 13 A. State Board.
 14 Q. Do you recall whether the Secretary of
 15 State's office was involved in the training?
 16 A. I don't believe they were involved. But
 17 I'm not certain of that. I believe it was the
 18 State Board.
 19 Q. Did you receive any written materials in
 20 connection with the training?
 21 A. Yes.
 22 Q. Do you recall what those materials were?
 23 A. Yes, and I believe they're posted on the
 24 State Board's website.
 25 Q. Can you list the materials you recall

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1 receiving for me?
 2 A. It was their presentation. I don't know
 3 exactly how they term what they -- other than
 4 their County Board training, I don't know the
 5 exact name of it other than that's what it was.
 6 Q. Do you refer to this presentation when
 7 you are reviewing the absentee ballots flagged as
 8 irregular by poll workers?
 9 A. We do look at parts of that.
 10 MR. WILLIFORD: Clara, can you please
 11 pull up the training PowerPoint marked as
 12 DEFS_066860. You should be able to make it a
 13 full-page display, right? (Indiscernible)
 14 (WHEREUPON, A DOCUMENT WAS DISPLAYED ON
 15 THE SCREEN.)
 16 BY MR. WILLIFORD:
 17 Q. Mr. Scott, do you recognize this
 18 document?
 19 A. Can you flip it to where I can see the
 20 entire page?
 21 Q. You know what, actually I think it may
 22 take a few minutes.
 23 MR. WILLIFORD: I can see a rotate
 24 button, Clara. If you look at our screen do you
 25 see where there's a --

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1 MS. CORREA: (Indiscernible). Give me
 2 one second. (Indiscernible).
 3 THE WITNESS: You can just move it
 4 around. I think I do recognize it if you want to
 5 put it back.
 6 MR. WILLIFORD: Why don't we -- okay,
 7 great.
 8 THE WITNESS: Okay.
 9 BY MR. WILLIFORD:
 10 Q. Do you recognize this document,
 11 Mr. Scott?
 12 A. Yes, I do.
 13 MR. WILLIFORD: And we'll mark it as
 14 Exhibit 2.
 15 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
 16 WAS MARKED AS EXHIBIT NO. 2 TO THE TESTIMONY OF
 17 THE WITNESS AND IS ATTACHED HERETO.)
 18 BY MR. WILLIFORD:
 19 Q. Is this the training material you
 20 received at the training we were just discussing?
 21 A. I believe it is. Does it have a
 22 particular date on it, or no? I think they made
 23 a number of different sessions, but I don't know
 24 if they marked the sessions on their training or
 25 not.

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1 Q. I don't believe it does have a specific
 2 date.
 3 A. Okay.
 4 MR. WILLIFORD: Clara, can you please go
 5 to Slide 56.
 6 (WHEREUPON, A DOCUMENT WAS DISPLAYED ON
 7 THE SCREEN.)
 8 BY MR. WILLIFORD:
 9 Q. Mr. Scott, do you see where it says,
 10 "CBEC must oversee processing of absentee
 11 ballots"?
 12 A. I do.
 13 Q. What do you understand overseeing the
 14 absentee ballot -- processing the absentee
 15 ballots to include?
 16 A. That would be for the Board to appoint
 17 the clerks, as you can see on the slide there.
 18 And then we -- also we review any ballot that the
 19 absentee ballot clerks believe must be rejected
 20 such as the slide said. And generally, you know,
 21 the Board through its staff, we have an election
 22 coordinator who helps to get all of our clerks
 23 that want to be appointed, get all their
 24 materials in place, all their applications and so
 25 forth. And then of course we make those

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1 appointments and that's pretty much -- I mean,
 2 that's what we do. And then we look at anything
 3 that's finally -- or that's brought to us for a
 4 final review. We make that final review.
 5 MR. WILLIFORD: Clara, can you please
 6 turn to the page Bates stamped DEFS_066952.
 7 Sorry, I think I added an extra zero there.
 8 066952. I'm sorry, 951.
 9 (WHEREUPON, A DOCUMENT WAS DISPLAYED ON
 10 THE SCREEN.)
 11 MR. WILLIFORD: There we go.
 12 BY MR. WILLIFORD:
 13 Q. Mr. Scott, in your opinion, do the
 14 signatures on this page compare?
 15 A. (Document review.)
 16 THE COURT REPORTER: I'm sorry. Is the
 17 witness still reviewing the document?
 18 THE WITNESS: I'm looking.
 19 THE COURT REPORTER: Okay. I just
 20 wanted to make sure -- I couldn't tell if you
 21 were still there.
 22 THE WITNESS: I'm looking at the
 23 signatures.
 24 THE COURT REPORTER: Okay.
 25 MR. WILLIFORD: And just to be clear,

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1 Polly, he's looking at the page Bates stamped
 2 DEFS_066951.
 3 BY THE WITNESS:
 4 A. I think I would have to lean towards
 5 those signatures not comparing.
 6 Q. And therefore, you would conclude that
 7 is sufficient dissimilarity to justify rejecting
 8 the absentee ballot?
 9 A. Yes. They appear to be -- there's a
 10 different slant. The form of the letters look
 11 pretty dissimilar. It appears that -- to me, I
 12 believe that one would be left with the abiding
 13 conviction there that those are two different
 14 people that signed that.
 15 Q. I think we've been going close to an
 16 hour, so perhaps now is a good time for a break.
 17 Is that okay with you Mr. Scott?
 18 A. I'm fine if you want to continue. It's
 19 up to you.
 20 MR. WILLIFORD: Polly, would you like a
 21 break?
 22 THE COURT REPORTER: I'm fine either
 23 way.
 24 MR. WILLIFORD: Okay.
 25 BY MR. WILLIFORD:

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1 Q. Mr. Scott, when you attended -- I
 2 believe you referenced attending poll worker
 3 training, correct?
 4 A. I believe -- I believe that was what I
 5 attended. I'm trying to remember if it was a
 6 poll worker trainer training or poll worker
 7 training. I would need to review. I did a
 8 number of, as I said, trainings there. I may
 9 have done both of those. I'm trying to -- you
 10 know, I don't have those records handy. I would
 11 have to go back to the Board, the State Board, to
 12 get the actual training there, whether I did both
 13 of those or just one of those --
 14 Q. Do you --
 15 A. Go ahead.
 16 Q. Do you recall whether you attended any
 17 portion of that training that concerned absentee
 18 ballots?
 19 A. I'm pretty sure that the training that
 20 they gave to the County Board concerned some
 21 absentee ballots and the poll workers as well.
 22 Q. Who is responsible for conducting the
 23 training for absentee ballot clerks?
 24 A. Our staff trains poll workers. We have
 25 staff that have gone through the poll worker

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1 trainer training and who have been qualified by
 2 the State Board to do that training.
 3 Q. Are the training materials prepared by
 4 the State Board?
 5 A. Yes.
 6 Q. Does Pulaski County -- strike that.
 7 Does the Board edit the training
 8 materials provided by the State Board Election
 9 Commissioners?
 10 A. Not that I'm aware of.
 11 Q. Does anyone else in Pulaski County edit
 12 the poll worker training materials provided by
 13 the State Board of Election Commissioners?
 14 MR. JENNER: Objection. Foundation.
 15 A. Not that I'm aware of.
 16 BY MR. WILLIFORD:
 17 Q. Mr. Scott, what is your understanding of
 18 the Pulaski County Clerk's Office's
 19 responsibilities with regard to absentee ballots?
 20 A. Well, those are defined by Arkansas law.
 21 Q. Do you have any communications with the
 22 County Clerk's Office about absentee ballots?
 23 A. Myself, no.
 24 Q. Does the Pulaski County Board of
 25 Election Commissioners have any employees?

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1 A. Yes.
 2 Q. Do you know if any of those employees
 3 communicate with the County Clerk's Office
 4 regarding absentee ballots?
 5 A. I do not know.
 6 Q. Does the Board provide any training
 7 relating to elections for the Pulaski County
 8 Clerk's Office?
 9 MR. JENNER: Objection to form.
 10 A. Repeat that.
 11 BY MR. WILLIFORD:
 12 Q. Does the Pulaski County Board of
 13 Election Commissioners provide any training to
 14 staff in the County Clerk's Office relating to
 15 elections?
 16 MR. JENNER: Object --
 17 A. Not that I'm aware of.
 18 MR. JENNER: Objection to form.
 19 MR. WILLIFORD: Clara, could you go back
 20 to Exhibit 1, please.
 21 (WHEREUPON, EXHIBIT NO. 1 WAS DISPLAYED
 22 ON THE SCREEN.)
 23 BY MR. WILLIFORD:
 24 Q. When a voter submits the application for
 25 an absentee ballot do they submit it to the

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1 County Clerk's Office?
 2 A. Yes.
 3 Q. Is it your understanding that the County
 4 Clerk's Office compares the information on the
 5 Arkansas Application for Absentee Ballot to the
 6 information regarding the voter's registration?
 7 MR. JENNER: Objection to form.
 8 A. I believe the clerk's duties are all
 9 outlined in Title VII. That's not really the
 10 Board's purview.
 11 BY MR. WILLIFORD:
 12 Q. But do you understand that to be the
 13 role of the County Clerk's Office?
 14 MR. JENNER: Objection to form.
 15 A. I believe that's correct.
 16 BY MR. WILLIFORD:
 17 Q. Are you aware of what the County Clerk's
 18 Office does if the information on the application
 19 for an absentee ballot does not match the
 20 information in the voter registration files?
 21 MR. JENNER: Objection to form.
 22 A. I am not that familiar with it. I have
 23 read the Arkansas code that relates to the duties
 24 of the clerk and it's all, I believe, all laid
 25 out there. But since that's not what we do and

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1 we have a lot of things for us to concentrate on
 2 in Title VII, and that's where we concentrate.
 3 Q. Is it your understanding that when a
 4 voter receives an absentee ballot the County
 5 clerk has verified the voter's registration
 6 status?
 7 MR. JENNER: Objection, foundation.
 8 MR. FORD: Same objection.
 9 THE WITNESS: Please repeat that one.
 10 BY MR. WILLIFORD:
 11 Q. Is it your understanding that when a
 12 voter receives an absentee ballot the County
 13 clerk has verified the voter's registration
 14 status?
 15 MR. JENNER: Objection to form.
 16 A. I believe that's correct. But as I
 17 said, those are duties that are not the County
 18 Board of Election Commissioners' duties.
 19 BY MR. WILLIFORD:
 20 Q. Under what circumstances would an
 21 absentee ballot be marked provisional?
 22 A. It would be provisional if the voter
 23 failed to include an ID in the form that's
 24 prescribed by the Arkansas code.
 25 Q. Who marks a ballot as provisional? An

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1 absentee ballot as provisional. Strike that.
 2 Who marks an absentee ballot as
 3 provisional when the voter fails to include a
 4 voter identification document?
 5 A. That would be one of our absentee ballot
 6 clerks.
 7 Q. Is the voter provided notice that the
 8 ballot has been marked provisional?
 9 A. They are provided a notice.
 10 Q. How is that notice provided?
 11 A. I believe that's First Class Mail to
 12 them.
 13 Q. When is that notice provided?
 14 A. I'm not sure of the exact number of
 15 days. Prior to the Monday following the election
 16 they're sent that notice out with instructions
 17 that they may cure that by the Monday. But I
 18 can't recall the exact timing of that. But they
 19 are provided notice with instructions on how to
 20 resolve that with -- the ID problem.
 21 Q. How does a voter resolve the ID problem?
 22 A. They could either -- they could show up
 23 at the Election Commission before 12 noon with
 24 the proper ID. I believe they could also show up
 25 at the County clerk before 12 noon as well.

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1 Q. If a voter were to fail to include, for
 2 example, date of birth and also did not include
 3 whatever identification document, would that
 4 voter receive notice regarding the voter
 5 identification document problem?
 6 MR. JENNER: Objection to form.
 7 MR. FORD: Objection, speculation.
 8 A. I don't believe they would receive a
 9 notice. Let me make sure that I understand the
 10 two parts there of the problem with that ballot.
 11 You said they failed to provide an ID and they
 12 failed to provide a birth date?
 13 Q. Yes.
 14 A. Yes. I don't believe they would receive
 15 a notice because they could not cure that problem
 16 with the birth date. And that's --
 17 Q. And --
 18 A. Go ahead.
 19 Q. No, go ahead.
 20 A. I was going to say according to the
 21 current Arkansas law there's not a provision for
 22 them to come back and provide a birth date. Only
 23 that ID.
 24 Q. Does the Board provide any information
 25 to voters about the absentee ballot process?

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1 A. Which form are you referring to?
 2 Q. We can start with the absentee ballot
 3 application. And my question is whether the
 4 Board provides any information to voters about
 5 that form?
 6 A. No, that's not our form. That's the
 7 County clerk's form.
 8 Q. Does the Board provide any information
 9 to voters about the process for submitting an
 10 absentee ballot?
 11 A. No. That's the purview of the clerk as
 12 well.
 13 Q. Does the Board provide information to
 14 voters about filling out the voter statement?
 15 A. Again, no. That's the purview of the
 16 clerk. And when I say clerk I'm speaking of the
 17 Pulaski County Clerk.
 18 Q. Do you know how Pulaski County maintains
 19 data on disqualified absentee ballots?
 20 A. Are you speaking about how the County
 21 clerk does? Disqualified by whom?
 22 Q. Disqualified by the Board. Let me ask
 23 it a different way.
 24 Does the Board maintain any data
 25 regarding disqualified absentee ballots?

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1 A. I'm not sure what you mean when you say
 2 "disqualified absentee ballot".
 3 Q. Following the conclusion of the hearing
 4 at which the Board makes a determination
 5 regarding potentially irregular absentee ballots,
 6 does the Board maintain any documents regarding
 7 those disqualified absentee ballots?
 8 A. Yes. I believe that we plowed that
 9 ground a little bit earlier. But that irregular
 10 ballot form, to the best of my understanding,
 11 that form is attached to that ballot, and it
 12 stays with it.
 13 Q. Who takes custody of those ballots and
 14 forms following the conclusion of the hearing?
 15 MR. JENNER: Objection, foundation.
 16 A. The Board is charged under Arkansas law
 17 with maintaining the records of election
 18 materials. So it would be the Board that would
 19 take -- would not take custody but have custody,
 20 would maintain custody, and would securely store
 21 those.
 22 MR. WILLIFORD: Clara, can you please
 23 put up the document Bates stamped LWVAR0023501.
 24 (WHEREUPON, A DOCUMENT WAS DISPLAYED ON
 25 THE SCREEN.)

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1 BY MR. WILLIFORD:
 2 Q. Mr. Scott, do you recognize this
 3 document?
 4 A. I'm having some trouble seeing that
 5 document. I may have to stand up and come a
 6 little closer to it to look at it.
 7 MR. WILLIFORD: And we'll mark it
 8 Exhibit 3.
 9 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
 10 WAS MARKED AS EXHIBIT NO. 3 TO THE TESTIMONY OF
 11 THE WITNESS AND IS ATTACHED HERETO.)
 12 Clara, is there some way you can magnify
 13 the document?
 14 THE WITNESS: If that would be all right
 15 with you, I might just like to walk up closer to
 16 it.
 17 MR. WILLIFORD: That is also fine.
 18 MR. FORD: And David, it's also on that
 19 TV behind you.
 20 THE WITNESS: Oh, okay. Well, let me
 21 just look at it here. (Document review.)
 22 I believe I recognize what that is.
 23 BY MR. WILLIFORD:
 24 Q. Can you explain what you understand this
 25 document to be?

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1 A. I believe that is our provisional ballot
 2 listing. And I can't tell -- let me look behind
 3 me. I can't tell if that's a preliminary list or
 4 what, but that appears to be a provisional report
 5 that would come from the clerk. And when I say
 6 clerk, again I mean the Pulaski County Arkansas
 7 County Clerk.
 8 Q. And when you say "would come from the
 9 clerk", what do you mean?
 10 A. I mean they would provide that to the
 11 Commission. They would do research and provide
 12 that to the Commission on the provisional
 13 ballots.
 14 Q. What do you mean by research?
 15 A. They would research to determine if the
 16 voter was registered. If -- you know, there's a
 17 number of different problems that might be there.
 18 Q. Do you see at the top of the chart in
 19 the third column in from the right where it says
 20 "explanation for disqualification"?
 21 A. I do.
 22 Q. Does that provide you any understanding
 23 of what this document is?
 24 A. Well, I think -- I think this document
 25 is -- this appears to be maybe a document looking

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1 at absentee ballots, but a very similar-looking
 2 document to this is used for provisional ballots.
 3 As you note, at the bottom there's a legend in
 4 the lower left where it speaks about voter
 5 absentee, early voted, felon, or other reason.
 6 Those are abbreviations that the clerk's office,
 7 the Pulaski County Clerk's Office, uses when they
 8 do their research into the precinct voter
 9 registration about provisionals.
 10 And I notice in this document it does
 11 appear that the explanations for disqualification
 12 appear to be actually more implicated towards
 13 absentee. So it may be used in both cases. It
 14 seems more familiar to me to be a form that we
 15 see when we're doing a provisional -- a review of
 16 provisional ballots.
 17 This may be merely some of our
 18 recordkeeping. But I do -- I would have to -- I
 19 would have to look into that a little further.
 20 But as I said, it does appear from the
 21 explanations that these have to do with absentee
 22 ballots, the reason for disqualification.
 23 MR. WILLIFORD: Clara, I think you can
 24 take this down.
 25 MR. FORD: I need a short break. I

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1 won't be long. If we can just take five minutes.
 2 MR. WILLIFORD: No problem at all. That
 3 will give me a chance to see how much longer we
 4 need. Hopefully we can get Mr. Scott out of here
 5 sooner rather than later.
 6 MR. FORD: Sure. It'll be quick.
 7 THE VIDEOGRAPHER: We're off the record
 8 at 10:20.
 9 (WHEREUPON, A RECESS WAS TAKEN FROM
 10 10:20 a.m. UNTIL 10:36 a.m., AT WHICH TIME THE
 11 DEPOSITION CONTINUED AS FOLLOWS:)
 12 THE VIDEOGRAPHER: We're back on the
 13 record at 10:36.
 14 BY MR. WILLIFORD:
 15 Q. Mr. Scott, have you ever communicated
 16 with commissioners on other counties' Boards of
 17 Election Commissioners?
 18 A. You mean as to -- as to commission
 19 business?
 20 Q. Yes. Yes, we can narrow it to
 21 commission business.
 22 A. No.
 23 Q. Does the Board receive funds for
 24 election-related expenses?
 25 A. You broke up just a little bit. Please

1 repeat that.
 2 Q. Of course. Does the Board receive funds
 3 for election-related expenses?
 4 A. The Commission -- as far as the --
 5 election expenses are definitely reimbursed. And
 6 there are -- there are funds that I can't give
 7 you the exact flow of that, but, yes, the
 8 Commission is funded by the Quorum Court, and I
 9 believe the State reimburses the County at some
 10 level.
 11 MR. WILLIFORD: That's all I have.
 12 THE WITNESS: All right.
 13 MR. JENNER: I have no questions.
 14 MR. WILLIFORD: Thank you, Mr. Scott.
 15 THE WITNESS: You're welcome.
 16 THE VIDEOGRAPHER: We're off the record
 17 at 10:38.
 18 (WHEREUPON, THE DEPOSITION CONCLUDED AT
 19 10:38 a.m.)
 20 (FURTHER DEPONENT SAITH NOT.)
 21 (SIGNATURE WAIVED.)
 22
 23
 24
 25

1 CERTIFICATE
 2 STATE OF TENNESSEE)
 3)
 4 COUNTY OF SHELBY)
 5)
 6 I, Polly W. Wardlaw, LCR #019, Licensed
 7 Court Reporter, in and for the State of
 8 Tennessee, do hereby certify that the above
 9 proceeding was reported by me, and the transcript
 10 is a true and accurate record to the best of my
 11 knowledge, skills, and ability.
 12 I further certify that I am not related
 13 to nor an employee of counsel or any of the
 14 parties to the action, nor am I in any way
 15 financially interested in the outcome of this
 16 case.
 17 I further certify that I am duly licensed
 18 by the Tennessee Board of Court Reporting as a
 19 Licensed Court Reporter as evidenced by the LCR
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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Exhibit 7

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

- - - - - x
LEAGUE OF WOMEN VOTERS OF :
ARKANSAS, ROBERT WILLIAM ALLEN, :
JOHN MCNEE AELICA I. ORSI, Case No:
MARSHALL WAYNE SUTTERFIELD, 5:20-cv-05174-PKH
SHIRLEY FAYE FIELDS, MARNETTE :
WENDI PENNINGTON, MARY J. MCNAMER, :
AND MYRA H. TACKETT, :

PLAINTIFFS, :

v. :

JOHN THURSTON, IN HIS OFFICIAL :
CAPACITY AS THE SECRETARY OF STATE :
OF ARKANSAS, AND SHARON BROOKS, :
BILENDA HARRIS-RITTER, WILLIAM :
LUTHER, CHARLES ROBERTS, JAMES :
SHARP, AND J. HARMON SMITH, IN :
THEIR OFFICIAL CAPACITIES AS :
MEMBERS OF THE ARKANSAS STATE :
BOARD OF ELECTION COMMISSIONERS, :

DEFENDANTS. :

- - - - - x
ORAL AND VIDEOTAPED DEPOSITION OF
DANIEL SHULTS
FRIDAY, DECEMBER 2, 2022
9:11 A.M.

REPORTED BY: KARISA EKENSEAIR, CCR RPR

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<p>1 Deposition of DANIEL SHULTS, conducted at the 2 Attorney General’s Office, 323 Center Street, 3 Suite 200, Little Rock, Arkansas 72201. 4 5 6 7 8 9 10 11 Pursuant to notice, before Karisa J. 12 Ekenseair, Certified Shorthand Reporter in and for 13 the States of Arkansas, Oklahoma, Washington, and 14 Illinois; National Registered Professional 15 Reporter, Notary Public in and for the State of 16 Arkansas. 17 18 19 20 21 22 23 24 25</p>	<p>1 A P P E A R A N C E S 2 3 FOR THE STATE BOARD OF ELECTION COMMISSIONERS: 4 CHRIS MADISON, ESQUIRE 5 234 OAKLAWN CIRCLE 6 LITTLE ROCK, ARKANSAS 72206 7 501-744-5051 8 9 10 ALSO PRESENT: 11 RANDY SCHOENING, VIDEOGRAPHER 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S 2 ON BEHALF OF THE PLAINTIFFS: 3 HAROLD WILLIFORD, ESQUIRE 4 SHANNON EDDY, ESQUIRE (VIA ZOOM) 5 CARA ORTIZ, ESQUIRE (VIA ZOOM) 6 DEBEVOISE & PLIMPTON 7 919 3RD AVENUE 8 NEW YORK, NEW YORK 10022 9 212-909-6149 10 11 12 ON BEHALF OF THE DEFENDANTS (VIA ZOOM): 13 MATTHEW FORD, ESQUIRE 14 OFFICE OF THE ARKANSAS ATTORNEY GENERAL 15 323 CENTER STREET, SUITE 200 16 LITTLE ROCK, ARKANSAS 72201 17 501-682-2401 18 19 20 21 22 23 24 25</p>	<p>1 T A B L E O F C O N T E N T S 2 P A G E 3 S T Y L E A N D N U M B E R..... 1 4 A P P E A R A N C E S..... 3 5 6 W I T N E S S: D A N I E L S H U L T S 7 E X A M I N A T I O N B Y M R. W I L L I F O R D:..... 13 8 9 C E R T I F I C A T E O F R E P O R T E R..... 195 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 PROCEEDINGS

2 THE VIDEOGRAPHER: We are on the audio and

3 video record. This is 9:11 a.m. on December 22,

4 2022. This is the videotaped recorded deposition

5 of Daniel Shults taken by counsel for the

6 plaintiff in the matter of League of Women Voters

7 of Arkansas, et al., versus John Thurston,

8 Secretary of State of Arkansas, et al., filed in

9 the U.S. District Court, Western District of

10 Arkansas, Fayetteville Division. Court Number is

11 5:20-cv-0517-PKH.

12 Deposition is being held at the office

13 of the Attorney General --

14 MS. EDDY: Excuse me, if I could interrupt

15 for a moment, we can no longer hear the audio?

16 THE VIDEOGRAPHER: What about now?

17 MS. EDDY: Yes, we can hear you.

18 THE VIDEOGRAPHER: Deposition is being

19 held at the Offices of the Attorney General of

20 Arkansas located at 323 Center Street, Little

21 Rock, Arkansas.

22 My name is Randy Schoening for the firm

23 Veritext Legal Solutions. I am the videographer.

24 The court reporter is Karisa Ekenseair with

25 Veritext Legal Solutions.

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1 Will counsel please introduce themselves

2 for the record?

3 MR. WILLIFORD: Good morning, I am Harold

4 Williford from Debevoise & Plimpton. I represent

5 the League of Women Voters of Arkansas, and

6 Plaintiffs, John McNee, Aeli Orsi, Marshall Wayne

7 Sutterfield, Shirley Faye Fields, Marnette Wendi

8 Pennington, Mary Mcnamer, and Myra Tackett.

9 MR. FORD: Good morning. My name is

10 Matthew Ford. I am Assistant Attorney General at

11 the Arkansas Attorney General's Office. I

12 represent the defendant John Thurston, in his

13 official capacity as Secretary of State of

14 Arkansas, Sharon Brooks, Bilenda Harris-Ritter,

15 William Luther, Charles Roberts, James Sharp, and

16 J. Harmon Smith, in their Official Capacities as

17 members of the Arkansas State Board of Election

18 Commissioners.

19 And for the record, this is the 30(b)(6)

20 of the SBEC, correct?

21 MR. WILLIFORD: Correct.

22 MR. MADISON: And my name is Chris

23 Madison. I'm the attorney for the Arkansas State

24 Board of Election Commissioners.

25 THE VIDEOGRAPHER: Will the witness please

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1 be sworn?

2 DANIEL SHULTS

3 of lawful age, being first duly sworn, deposes and

4 says in reply to the questions propounded as

5 follows:

6 MR. FORD: Mr. Williford, just real quick

7 before you proceed, I did want to know, we noted

8 the objection in a prior e-mail, but I am

9 objecting to the definition section of your

10 notice. Mike Cantrell sent an e-mail and I just

11 wanted to note that for the record.

12 MR. WILLIFORD: Are you stating any

13 objection to any particular definition, or just a

14 general objection to the definition section?

15 MR. FORD: I am stating an objection to

16 each definition because each definition is outside

17 the scope of Federal Rules of Civil Procedure in

18 the sense that you're trying to add more to your

19 questions that aren't otherwise there during the

20 deposition. It's just improper, any type of

21 definitions are improper. So I just wanted to

22 note that for the record.

23 MR. WILLIFORD: Understood. Plaintiffs

24 reserve all rights to dispute those objections at

25 a later date, but I think it would be best to

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1 proceed with the witness rather than disputing

2 them now.

3 MR. FORD: I agree.

4 EXAMINATION

5 BY MR. WILLIFORD:

6 Q Good morning, Mr. Shults. My name is

7 Harold Williford. Could you please tell us your

8 position at the State Board of Election

9 Commissioners?

10 A Good morning. Yes. I am the executive

11 director for the board.

12 Q And what are your responsibilities as

13 executive director for the board?

14 A Essentially they are to serve at the

15 pleasure of the Board and they are to be the head

16 of the staff of the Board and to fulfill the

17 responsibilities given to the Board.

18 (Exhibit 1 marked for identification.)

19 BY MR. WILLIFORD:

20 Q I have handed you what has been marked as

21 plaintiff's Exhibit 1. Do you recognize this

22 document?

23 A Yes.

24 Q How reviewed this document before today?

25 A I have.

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1 Q What do you understand this document to
 2 be?
 3 A A notice of deposition.
 4 Q And are you here to represent the State
 5 Board of Election Commissioners in response to
 6 this notice of deposition?
 7 A Yes.
 8 Q And are you prepared to testify to all the
 9 topics listed in the notice of deposition?
 10 A To the best of my ability. Yes.
 11 Q Thank you. Can you please describe the
 12 State Board of Election Commissioners'
 13 responsibilities for enforcing Arkansas laws
 14 regarding elections?
 15 A There's a couple ways the state board
 16 enforces election law. As I like to say, they're
 17 kind of three big jobs that we have and then a lot
 18 of little jobs. Some of them outflows to the big
 19 jobs. Some of them, just other things that we
 20 have -- we're responsible for.
 21 The three big oneS are training of county
 22 election officials, reimbursement of state-funded
 23 county election -- or state-funded elections, all
 24 elections are run by the county, and then -- and
 25 then the -- we receive and if -- if

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1 appropriate -- if appropriate under the law
 2 investigate complaints filed by citizens related
 3 to alleged violations of election or voter
 4 registration law.
 5 Q Can you please describe what the process
 6 for that investigation would look like?
 7 A The investigation process, obviously, it's
 8 more fully set out in the rules, but I'll
 9 summarize it, the rules controlling over my
 10 summary, of course, and the statute.
 11 The -- we would receive the complaint.
 12 The first question, of course, is form of
 13 timeliness. The timeliness under -- it's been
 14 modified a little bit, expanded really. At this
 15 point you can file, it's 46 days prior to the
 16 election -- used to be 30 days either day, and
 17 used to be 30 days after the election. Now, it's
 18 30 days after the certification of the election.
 19 That's an extension.
 20 Has to be signed. Has to be attested to
 21 under penalty of perjury, the truthfulness of the
 22 allegations. And it has to -- we kind of treat it
 23 like summary judgment. You assume the fact is
 24 true. Does it constitute a violation of law
 25 within the jurisdiction of the SBEC.

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1 All that's met, the staff will analyze it
 2 or basically create an analysis, what legal issues
 3 are raised, and recommend that they either be
 4 investigated or why they're not a legal -- you
 5 know, we don't always tack -- we don't always say
 6 why things aren't, but as long as it's not too
 7 voluminous, we'll go ahead and say the issues that
 8 are raised that aren't in our jurisdiction and
 9 explain why.
 10 Q And are you a member of the staff that
 11 makes this --
 12 A Yes.
 13 Q -- determination. Thank you.
 14 And after you -- the staff makes this
 15 determination, who decides whether to proceed with
 16 the investigation?
 17 A So at the staff report level, the way it
 18 works is that reports provided to the Board at
 19 this point, they all receive electronically. And
 20 it's -- and staff proceeds with an investigation,
 21 if that's the recommendation so long as nobody
 22 objects essentially.
 23 If one of the members wants to re --
 24 adjust the staff's analysis of the complaint,
 25 they -- one member can have it put on the next

Page 17

1 agenda and then the Board will decide what to do
 2 at that time.
 3 Q And is it a majority vote of the Board
 4 that over -- determines what to do with regard to
 5 that objection?
 6 A Yes.
 7 Q And what remedies are available at the
 8 conclusion of an investigation if you decide
 9 action needs to be taken?
 10 A Well, the -- the way it's set up at the
 11 conclusion of the investigation, the investigation
 12 report is provided to the Board. If there's what
 13 we call statutory sanctions, those can be -- the
 14 old ones, if you will, were letters of warning,
 15 caution, and reprimand. That's the wrong order.
 16 Actually, it's caution, warning, and reprimand.
 17 There is a finding authority. And then
 18 there's also under some new laws, the ability to
 19 decertify a county official, election official.
 20 And there's something called corrective action,
 21 which is not fully flushed out how that would
 22 work, but the idea is, of course, we agree to do
 23 something different, something -- do it right.
 24 Again, that's -- that's -- that part has not been
 25 completely worked out. That's a new thing, how

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1 that will work, but it's obviously a solid
 2 concept.
 3 And then there's also now a possibility
 4 under certain circumstances to assume the duties
 5 of a county, directly administer the election.
 6 But again, that's a new law and that's never been
 7 tried or --
 8 Q And what are the --
 9 A -- exercised.
 10 Q -- those circumstances?
 11 A There are additional findings essentially
 12 that it's necessary. Again, I'll refer you to the
 13 rule for the specifics, but...
 14 Q And is the determination to undertake any
 15 of those remedies made by the commissioners?
 16 A Yes. If -- if -- any of those statutory
 17 remedies, that has to be a vote of the Board. I
 18 think it has to be -- again, this is in the rule.
 19 I believe it has to be four affirmative votes for
 20 sanction. And again, so the whole -- it goes
 21 forward if you don't object only works for a
 22 dismissal and non-actions. If you're taking an
 23 action, has to be a vote of the Board.
 24 Q And this oversight, when you say it's over
 25 county election officials, who falls under the

Page 19

1 umbrella?
 2 A Well, and if I said, that I may have
 3 misspoke slightly. It's any person that violates
 4 an election law is subject to it. It was raised
 5 in connection with the question of how -- how do
 6 we enforce election law.
 7 So generally, it's applying to officials,
 8 but say, for instance, if a person, just a
 9 citizen, violated it could be equally applicable
 10 to anyone.
 11 Q Thank you. With regard to reimbursement,
 12 are there circumstances under which the commission
 13 withholds reimbursement?
 14 A Theoretically, there are. That hasn't
 15 been a power that's been exercised or even really
 16 contemplated in my tenure.
 17 Q And what is the -- at least in theory,
 18 what are the circumstances where that may occur?
 19 A Well, so I guess kind of two sets. One,
 20 in order to get the reimbursement, you have to
 21 comply with the requirements to apply for the
 22 reimbursement, but I don't think that's what
 23 you're asking about. So that's its own thing.
 24 And I'm not -- again, you're asking a
 25 question of what does the law say so I'm going to

Page 20

1 defer to the law, but my recollection of it
 2 essentially is that a county's required -- can --
 3 reimbursement can be withheld if the county fails
 4 to comply with the requirements of Arkansas
 5 election law or something like that.
 6 Q And now, circling back to the training,
 7 who conducts the trainings by the commissions?
 8 A The staff.
 9 Q The commission, rather. Sorry.
 10 A So -- and you're talking about -- well,
 11 maybe it's best to just kind of set out what the
 12 training process is in the law and then how we
 13 fill it out.
 14 So there's -- there's a statute that says
 15 X number of people have to receive training
 16 coordinated by the State Election Commission.
 17 Those include pretty much all the county election
 18 officials. Includes the county clerk with respect
 19 to some of the clerk's roles. Obviously, the
 20 clerk's roles are broader than what we address.
 21 So for the -- so county election
 22 commissioners, county clerks to the extent they're
 23 conducting voting, and now something called
 24 county -- or election coordinator, I'll get to in
 25 a second, all are directly trained by us.

Page 21

1 In addition, the CBEC needs to appoint not
 2 less than two people to be trained to be their
 3 certified trainers. Those are -- well, those can
 4 be either -- they can -- so you can wear more than
 5 one hat. Those aren't necessarily always
 6 different people. Oftentimes -- you know,
 7 sometimes they are. Sometimes there's a little
 8 bit of overlap. Those people are directly trained
 9 by --
 10 Q Just for the record, when you say CBEC,
 11 you mean County Board of Election Commissioners?
 12 A I'll probably work with that convention
 13 for -- going forward.
 14 Q Thank you.
 15 A So those people are directly trained by
 16 our staff, you know. That -- who -- who actually
 17 does it can vary a little bit, but principally
 18 it's the election -- the training person, Mr. John
 19 Davidson, myself, and the agency attorney,
 20 Mr. Madison certainly participate. You know, we
 21 do -- we do this. There's lots of people, lots of
 22 iterations of it. So it -- you know, if
 23 somebody's not available that could change a
 24 little bit. But the primary people who help
 25 conduct it are myself, Mr. Madison, and

Page 22

1 Mr. Davidson, at least in the last cycle.
 2 Q And you said there are lots of iterations
 3 of it. Do you mean --
 4 A Bad word. There are -- it has to be done
 5 lots of times.
 6 Q Understood. How many times approximately?
 7 A The way we usually do it is we -- we -- we
 8 take a kind of a trip around the state.
 9 There's -- it's not an official -- you can't find
 10 a list of what the regions are, but basically we
 11 have kind of roughly broken out the state into
 12 places where it's closer for these counties to
 13 come here. And they can go whenever they want,
 14 whenever their schedules allow.
 15 But my recollection is we usually do
 16 Fayetteville, Batesville, Jonesboro, Monticello.
 17 The southeast has moved around a little bit, but
 18 we kind of settled on Monticello. And then Hope
 19 for the southwest, and Little Rock, of course.
 20 And then we'll provide make-ups as needed.
 21 I mean, these are people that -- you know,
 22 they're required to receive our training, but
 23 they're certainly not my employees. So we're
 24 essentially providing a service and we have to
 25 work with their availability.

Page 23

1 Q When you say they're required to take the
 2 training, does that mean they can't work on
 3 elections unless they take the training?
 4 A Well, that's the question we -- we try not
 5 to have to explore. We just work with them to be
 6 sure they'll get it.
 7 Q Has anyone ever failed to take the
 8 training?
 9 A I'm not prepared to say they haven't, but
 10 I don't recall that, at least in recent memory.
 11 Q And if someone failed to take the
 12 training, would that be the subject of an SBEC
 13 investigation?
 14 A It could be. I think the way that's been
 15 handled is that we would report it to the state
 16 and local party, if my memory serves. I feel like
 17 that's -- that's surely come up before. And I
 18 think that was how it was handled, but it would be
 19 a -- basically we -- we just make it available
 20 until we are able to get everyone.
 21 And of course, obviously people come
 22 off -- somebody resigns, somebody, unfortunately,
 23 passes away, happens from time to time. You know,
 24 the new people will just have to be, you know,
 25 essentially given a one-on-one until time for the

Page 24

1 next formal cycle.
 2 Q How long does a typical training session
 3 take?
 4 A We utilize pretty much all the time we
 5 have reasonably available. So my recollection is
 6 something, 9:00 to 3:00 or 4:00. Obviously, you
 7 have to account for people having to travel in and
 8 travel home, but it's -- you know, it's pretty
 9 much all the day that's available, at least for
 10 county election commission training, in
 11 particular.
 12 Q And for other trainings?
 13 A It's true also of training the trainer,
 14 for sure. Which leads me to the one that I didn't
 15 quite mention. And we're actually excited about
 16 this.
 17 The last general assembly, the -- a bill
 18 was passed that added coordinator training to the
 19 list. And coordinators are not an officially
 20 defined position, but they're a concept
 21 essentially developed by the counties to provide
 22 someone whose job it is to help the commission do
 23 the commission's job.
 24 So for example, in this county, Pulaski, I
 25 won't quote a number because I'll get it wrong,

Page 25

1 there are lots of voters here. This is certainly
 2 a need to have staff. I mean, there are hundreds
 3 of polling sites and thousands of polling -- at
 4 least over 1,000 poll workers for the general
 5 election. So it's necessary to have a staff. So
 6 they have professionals. We kind of -- I think
 7 they -- there's is term director, but just as a
 8 catchall people filling that role, we call
 9 coordinators say in the past.
 10 This law basically requires every CBEC to
 11 appoint one person in their county to be the
 12 coordinator. Now, what -- that may be one of
 13 themselves. That could be a county clerk if the
 14 county clerk is willing to fill that work. If
 15 they have a professional whose job it is to be
 16 that person, then it's going to be that person.
 17 But in any event, in our vision what we've
 18 taken from that is try and cover things -- again,
 19 we've only done it once so we're going to learn
 20 and build, of course, but to try and cover things
 21 that don't get, you know, as much detail as you
 22 might like in the -- in the CBEC training.
 23 Q So you have now conducted some county
 24 coordinator trainings; is that correct?
 25 A We did conduct one for the -- for the

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1 primary, yes.

2 Q And did you use the same training

3 materials that you used for the CBEC or do you use

4 different training materials?

5 A No. We didn't -- we didn't recreate CBEC

6 or else there wouldn't be any point. And you

7 know, many of those people either have been doing

8 this a long time and essentially know that content

9 or, you know, maybe already received it. So what

10 we did was we kind of made it more -- less

11 lecturey and more, I don't know, conversational

12 for lack of a better --

13 We -- we -- we put on -- we had people

14 come in and talk that were experienced

15 coordinators. And we had issues and discussions

16 about how to do those. It may get more formal

17 over time. We also had a vendor come in and talk

18 about some of those technical sides that are, you

19 know -- that are more what button to push than

20 what the legal requirements are.

21 So that -- again, over time I suspect it

22 will crystallize into a little bit more of a

23 formal presentation, but it was more of a -- we

24 had -- you know, had the vendor talk about the

25 vendor's program. We had coordinator -- a person

Page 27

1 who's done L&A a lot talk about how they do L&A,

2 that kind of thing.

3 Q But the issues covered are parallel to the

4 CBEC training?

5 A Well, yes. So the CBEC training could be,

6 I think, fairly described as, this is what the law

7 requires. Coordinator training was an effort to

8 provide more detail on the how do you do it. But

9 again, and when I say that, I'm thinking more

10 of -- I think less about the issues we're here

11 today about and more about how do you, you know,

12 set up the ballots, how do you do these technical

13 parts of the process, how do you run a good

14 testing regime on the equipment prior to the

15 election, that sort of thing.

16 Q And when you do these trainings, you use a

17 PowerPoint deck?

18 A Correct. We didn't have a PowerPoint for

19 the coordinator one.

20 Q For the CBEC training, you use a

21 PowerPoint deck?

22 A That is correct. Yes.

23 Q And do you hand out copies of the deck to

24 the attendees?

25 A I think we usually do.

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1 Q And are they permitted to retain the deck?

2 A We can. And I think we also -- I think

3 it's on our website, so it's just -- it's

4 generally available.

5 Q Do you use any notes, written notes, while

6 giving the presentation that are not contained in

7 the deck?

8 A No. I don't think so. Not -- I don't

9 recall doing that.

10 Q And do you take any notes during the

11 presentation?

12 A I mean, if there was some -- not about the

13 presentation. I mean, I might take a -- it's

14 possible that if an issue -- you know, you get

15 them all in a room, there's something going to

16 come up I may need to go work on, but not like

17 systematically, no.

18 Q Do you recall an instance when that

19 happened?

20 A No, I mean, I'm sure it's happened. I

21 don't recall it in specifics. In fact, probably

22 what I really do is tell them you should e-mail me

23 about that tomorrow, and that just makes it more

24 likely that it gets addressed, so...

25 MR. FORD: Before you get started, I am

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1 going to lodge an objection. We sent discovery

2 requests specifically requesting the plaintiff

3 identify any and all documents you plan to use in

4 the deposition and Plaintiffs refused to respond

5 to that. So just for any exhibit that you plan on

6 using in the deposition, I am going to just have a

7 continuing objection to the use any documents

8 rather than interrupt your deposition repeatedly,

9 if that's okay with you, Mr. Williford, just to go

10 ahead and preserve that for each and every exhibit

11 so I don't have to keep talking about over and

12 over and over.

13 MR. WILLIFORD: I will note for the record

14 that Plaintiffs did respond to the objection. And

15 we noted that the federal rules do not require us

16 to disclose exhibits to the opposing party prior

17 to the deposition, that such a request would

18 request attorney work product, and that we are

19 providing consistent with the Federal Rules of

20 Civil Procedure the Federal Rules of Evidence and

21 the Court and the local district's rules. And we

22 reserve all rights with regard to that objection.

23 MR. FORD: I understand. I would refer

24 Plaintiff's counsel, however, to the scheduling

25 order that specifically mentions discovery. And

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1 I'll go ahead and quote it. It says, witnesses
 2 and exhibits not identified in response to
 3 appropriate discovery may not be used, it does say
 4 at trial. However, I think broadly the point is
 5 discovery, you're supposedly to timely respond to
 6 discovery. I don't think the rules necessarily
 7 limit what we can ask for.
 8 But we don't need to discuss that
 9 repeatedly over the deposition. I just wanted to
 10 note it for the record. And again, if you would
 11 allow me to have a continuing objection to
 12 preserve that for each exhibit so I don't have to
 13 interrupt you. Is that perfectly okay?
 14 MR. WILLIFORD: I -- first, I understand
 15 your continuing objection. And I believe that
 16 would be the most efficient use of our time today.
 17 And second, I would refer Defendants to
 18 Federal Rule of Civil Procedure 26 which governs
 19 the timing of initial disclosures and pretrial
 20 disclosures, as well as the timing for responses
 21 to discovery requests, all of which cover the
 22 issue that Plaintiff -- Defendants have raised and
 23 indicate that Defendants' positions is legally
 24 erroneous.
 25 (Exhibit 2 marked for identification.)

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1 BY MR. WILLIFORD:
 2 Q Mr. Shults, I have handed you what has
 3 been marked as Plaintiff's Exhibit 2.
 4 A Yes, sir.
 5 Q Do you recognize this document?
 6 A Well, based on the first page it appears
 7 to be the PowerPoint presentation related to the
 8 commissioner training.
 9 Q And yes and I am not going to ask you
 10 about the entire thing, but if I would like to
 11 take a moment to flip through it and verify
 12 whether it is --
 13 A Well, I mean, obviously, I cannot
 14 definitively authenticate it as 100 percent, but
 15 it has every appearance of being the CBEC
 16 presentation.
 17 Q Understood. And if any page that we -- I
 18 direct you to appears inauthentic, you will let me
 19 know?
 20 A Indeed, I will.
 21 Q Can you please turn to the page marked
 22 DEFS_066927?
 23 A 06692 -- -- 066927. Top says
 24 Opening/Processing Absentee Ballots?
 25 Q Correct.

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1 A Okay.
 2 Q Can you look at the bullet beginning Step
 3 4?
 4 A Yes.
 5 Q Can you explain what it means when it says
 6 Clerk 1 and Clerk 2 compare the following?
 7 A Statute contemplates that the CBEC
 8 will -- at least may -- will have subordinate
 9 appointees who do the initial review of absentee
 10 ballots. So again, it's helpful, I think, to
 11 compare counties. Pulaski, obviously, three
 12 people can't canvas 10,000 ballots that they
 13 received in a recent election. In a small county,
 14 this is -- so but -- but these are the -- this is
 15 a reference to the people who would be subordinate
 16 to the CBEC who would do an initial review. And
 17 they have to work in pairs, hence Clerk 1 and
 18 Clerk 2 per the statute.
 19 Q Right. And the last bullet says, if a
 20 clerk believes any do not compare, equal sign, set
 21 aside for CBEC to review, correct?
 22 A Yes.
 23 Q And this refers to the proceeding four
 24 bullets that read respectively, name, address,
 25 date of birth, and signature?

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1 A Yes. Sorry.
 2 Q And what are the clerks comparing?
 3 A They're comparing the absentee ballot
 4 application, the data point on the absentee
 5 application to the absentee ballot voter
 6 statement.
 7 Q And can we refer to those today for the
 8 purposes of shorthand as the absentee application
 9 and the voter statement?
 10 A Sounds good.
 11 Q And do people sometimes -- or have you
 12 heard people refer to this as matching?
 13 MR. FORD: Object to form.
 14 A I'm confident that in some point that may
 15 have been said, but I don't think that would be
 16 the correct characterization.
 17 Q Can you explain why matching is not the
 18 correct characterization?
 19 A Because -- well, because the statute uses
 20 the word compare. Compare is understood, we
 21 believe correctly, to be a less -- I mean,
 22 matching is not defined, so it's hard to compare
 23 it to, but matching could leave an implication of
 24 need for more close relationship than what I think
 25 compare would properly imply, if that answers the

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1 question.
 2 Q Why does compare imply a less-close
 3 relationship?
 4 A I mean, essentially, I think that
 5 definition is -- of compare implies -- I don't
 6 know. I'm not sure how to word that differently.
 7 I just think it's a fundamental meaning of the
 8 word compare is a -- again, we're not dealing with
 9 legal terms necessarily. These aren't defined
 10 terms as far as what matching is. Well, at least
 11 not in this context.
 12 Matching to me implies close agreement
 13 to -- to like, again, facsimile is a different
 14 word to throw in the mix, but that might give an
 15 impression that it needs to be more close. But
 16 again, this is essentially impressions that I
 17 would -- if I were having this conversation with
 18 the commission, that matching -- I would correct
 19 the use of the word matching just to ensure that
 20 the -- the understanding is there that comparison
 21 is the standard that -- the word the statute uses.
 22 And we read that to be -- it requires agreement,
 23 but not absolute agreement if that maybe says it
 24 better.
 25 Q And when you say we, you are referring to

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1 the State Board of Election Commissioners?
 2 A Well, I suppose. I don't know that that's
 3 really what I meant. Yes. In the context of this
 4 deposition, I guess I am. I'm sure we're going to
 5 get into how we tried to address this later on in
 6 some of these policy statements.
 7 Q The statute does not define compare,
 8 correct?
 9 A No.
 10 Q Do any CBEC materials provide a general
 11 definition of the word compare?
 12 A I don't know that we define compare, but
 13 we define what we recommend and -- and instruct
 14 the counties, think of in terms of what compare
 15 means in the specific context of the -- the
 16 comparison in question. That's what I was
 17 referring to, and I'm sure we'll get to here in a
 18 minute.
 19 Q Can you turn to the next page, please,
 20 which is marked --
 21 A Indeed, I can.
 22 Q -- DEFS_066928? The bullet beginning Step
 23 7 reads, confirm ID name compares with voter
 24 statement name, correct?
 25 A Yes. Yes. The --

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1 Q And there is a sub-bullet under that in
 2 brackets that reads, if no, equal sign, make
 3 provisional, correct?
 4 A I feel the need to say, obviously, we're
 5 talking about a PowerPoint. You have to try -- if
 6 you just make it a paragraph it's useless, but
 7 yes, that is correct.
 8 Q And when someone makes a ballot
 9 provisional at this step, one of the clerks, does
 10 that then send it to the same process as ballots
 11 set aside for CBEC to review?
 12 A No.
 13 Q Can you please explain what happens to a
 14 provisional ballot at this stage?
 15 A A provisional ballot -- well, it's a
 16 separate category. Provisional ballots are
 17 ballots -- statutory definition, there's some
 18 question as to eligibility. But in this case, per
 19 the Constitution, this would be an ID provisional
 20 that is how that's dealt with is set out in the
 21 Constitution.
 22 So it gets -- it gets the review of,
 23 essentially, that it was properly -- that this
 24 voter was registered to vote. At this point, it's
 25 likely that it would be, no issue there. And then

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1 it would -- the standard of whether that ballot
 2 would be counted, barring any other issues that
 3 need to be addressed, would be whether the voter
 4 returned the required photo ID within the time
 5 frame set out in the Constitution.
 6 Q Does that mean that the CBEC may review
 7 ballots set aside for -- based on the clerk's view
 8 that one of the data points, name, address, date
 9 of birth, or signature, do not compare at a
 10 different time than a ballot set aside from
 11 the --
 12 A The --
 13 MR. FORD: Object to form. Sorry. I
 14 just -- I didn't mean to interrupt you.
 15 THE WITNESS: Well, then let me --
 16 BY MR. WILLIFORD:
 17 Q Let me --
 18 A I'll take another run out that.
 19 Q Let me finish the question for the record.
 20 A Okay.
 21 Q Set aside based on making it provisional
 22 regarding voter ID?
 23 A And maybe the best way to that address
 24 that is just step back and say what the two things
 25 are, and I think that will address it.

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1 Under the process you referenced on the
 2 prior page, the policy as I understand it set out
 3 in the law is that those subordinate appointees
 4 are not permitted or authorized to make -- well,
 5 they're not allowed to make decisions that --
 6 discretionary decisions that would prejudice the
 7 voter.
 8 If everything -- if they approve
 9 everything and it looks great, according to the
 10 rules, then it's counted. But they can't cause it
 11 not to be counted. If they see an issue in
 12 particularly one of these data points we're
 13 talking about here today, then it gets set aside.
 14 If there's any discretionary decision to be made,
 15 that has to be made by the -- not discretionary.
 16 I mean, if not -- when you're talking about, you
 17 know, is it signed -- I'm sure that's something
 18 women get to at some point, it's either signed or
 19 not. There's no judgment. There's no -- there's
 20 no question about whether it is. And that's why
 21 you have the two, to be sure that there's no
 22 failure to observe the obvious.
 23 But once it's set aside for the
 24 Commission, the Commission would have to make the
 25 analysis of whether it compares.

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1 This is a different process. That process
 2 has to be -- well, it needs to be completed on
 3 election day, theoretically, before the polls
 4 close. We have had situations where, like, if you
 5 had an enormous amount of ballots potentially than
 6 you wouldn't -- you would still count all the
 7 ballots. That's not a violation of law, if you
 8 have more work than you can get done. But you
 9 have to -- you know, if possible, you complete
 10 that process prior to the closing of the poll.
 11 This is different. Provisional ballots
 12 get handled at a later date, prior to
 13 certification, but not on the date of the
 14 election. And for this particular process
 15 referenced in Step 7, they couldn't -- the
 16 Constitution sets out that the deadline for what I
 17 sometimes refer to as post-presentment, I think
 18 would be useful here, would be noon on Monday
 19 following the election.
 20 Q And to clarify one point, when you said in
 21 the absence of a signature is obvious, does that
 22 mean the CBEC does not review those or do those
 23 also get set aside for CBEC review?
 24 A Well --
 25 MR. FORD: Object to the form.

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1 THE WITNESS: The -- I need to give my
 2 lawyer a chance. The -- basically -- say that
 3 again. I got myself --
 4 BY MR. WILLIFORD:
 5 Q When you said that the absence of a
 6 signature is obvious and the clerks can determine
 7 that, does that mean those are not set aside for
 8 CBEC review?
 9 A Right.
 10 MR. FORD: Object to form. Now.
 11 THE WITNESS: We're going to get this
 12 right. The -- I don't believe that -- if there's
 13 no ink on the page, then I don't believe that that
 14 is a question of comparison. There's a separate
 15 sub sub subsection of the relevant -- of, I
 16 believe, 65 -- 75416 that says that it has to be
 17 signed, my recollection. In any event, every
 18 voter has to attest to their qualification to vote
 19 in order to vote whether you're voting in-person,
 20 absentee, provisional, what have you. So that's
 21 not, in my view, a discretionary decision.
 22 Having said that, we do recommend that all
 23 ballots that aren't counted get set aside for
 24 review. I don't know that that's strictly
 25 speaking that's statutory requirement in that

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1 context, but I think it's just a -- a way that we
 2 would recommend you approach it.
 3 BY MR. WILLIFORD:
 4 Q And can you please turn to the page marked
 5 DEFS_066935?
 6 A Five, you said?
 7 Q Five, yes.
 8 MR. FORD: You said 35?
 9 MR. WILLIFORD: 935.
 10 MR. MADISON: 35.
 11 THE WITNESS: Processing absentee ballots
 12 with lots of arrows.
 13 BY MR. WILLIFORD:
 14 Q Correct. And this slide has a picture,
 15 two pictures on it, correct?
 16 A Yes.
 17 Q And the first one on the left side is a
 18 picture of the Arkansas Application for Absentee
 19 Ballot, correct?
 20 A That is correct.
 21 Q And the one on the right-hand side is the
 22 copy of an Absentee Voter Statement, correct?
 23 A That is correct.
 24 Q Does every county use this Absentee Voter
 25 Statement form?

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1 A So prior to, I want to say, the last
 2 session, but if it's the prior one, you'll have to
 3 forgive the year. Prior to a recent change in the
 4 law, the counties developed their own.
 5 Obviously -- well, not obvious, but it was clearly
 6 the policy of the legislature that more uniformity
 7 was desirable. We concur with that.
 8 And so we were given one of those extra
 9 jobs I referenced to develop and -- and put out,
 10 if you will, a -- a uniform absentee valid
 11 statement -- absentee voter statement.
 12 Q And these are the two forms that clerks
 13 compare, correct?
 14 A I know it's referenced in your pleading.
 15 An absentee application wouldn't have to appear on
 16 this form. You could send a letter, if it
 17 contains the right information. You can get an
 18 absentee ballot. You're not required to use the
 19 form, but I would say the vast majority are made
 20 available -- or are requested by the form.
 21 Q And when do voters fill out the
 22 application for an absentee ballot?
 23 A Prior to the election. I mean, I think
 24 your question implies --
 25 Q I'll ask the question for you.

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1 How many days in advance of an election do
 2 voters typically fill out an absentee application
 3 ballot -- or an application for an absentee
 4 ballot?
 5 A I mean, typically -- I don't know that I
 6 can -- certainly, in the context of the 30 -- I
 7 don't know that we can say we know -- I don't know
 8 if the agency has that knowledge. I don't know.
 9 Q What is the range provided by law?
 10 A Well, so I -- there's no --
 11 MR. FORD: I'll object to form.
 12 THE WITNESS: My recollection is that
 13 there is no prohibition on being early. But as a
 14 kind of practical issue, unless you fall into one
 15 of the categories where you can file an
 16 application and it has effect in the future
 17 through another election, they're usually filed
 18 within, you know, the months prior to the election
 19 if -- if not days.
 20 BY MR. WILLIFORD:
 21 Q When a voter fills out the Arkansas
 22 Application for Absentee Ballot, are they notified
 23 that the information they provide on this
 24 application will be used for the purposes of
 25 comparison to the voter statement?

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1 MR. FORD: Object to form.
 2 THE WITNESS: I mean, we have the
 3 information in front of us here that they're in a
 4 sense -- all persons are notified by the law, but
 5 I don't think that's what you meant.
 6 BY MR. WILLIFORD:
 7 Q Correct. I was wondering if there is any
 8 information provided by the CBEC or the counties
 9 when someone fills out the application for an
 10 absentee ballot?
 11 MR. FORD: Object to form.
 12 THE WITNESS: It's possible that the
 13 counties might provide that information. I -- but
 14 it's not something within my knowledge.
 15 BY MR. WILLIFORD:
 16 Q So the CBEC does not require anyone to
 17 provide that information?
 18 A That's correct. I mean, fundamentally,
 19 our function is to fulfill the law, to -- not to
 20 set the policy. That's not a step that's been
 21 taken by the agency.
 22 Q Can you please turn to the previous page?
 23 A Absentee Ballot Comparisons, 34?
 24 Q Correct. The page marked DEFS_066934.
 25 A Yes.

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1 Q This slide says that the CBEC must make
 2 the final decision, correct, the end of the second
 3 paragraph?
 4 A Well, the second paragraph is a quotation
 5 of Arkansas law, but yes.
 6 Q I'm sorry, I was counting the subtitle as
 7 the first paragraph. My apologies.
 8 A Well, absentee ballot canvasser determine
 9 that the following data points do not compare
 10 between the absentee ballot statement and the
 11 voter statement. The CBEC must make the final
 12 decision. Yes.
 13 Q When is the CBEC permitted to make that
 14 decision under Arkansas law?
 15 MR. FORD: Object to form.
 16 THE WITNESS: Well, the current state of
 17 the law is that they can begin canvassing ballots
 18 which would include making this decision in the, I
 19 believe, it's the one week prior to the -- to the
 20 election. In the moderate past, that was the day
 21 of the election. So that one week is a -- is an
 22 expansion of this ability.
 23 And during COVID, the -- which would cover
 24 some of the elections that I think were subject to
 25 this, there was some of those peculiar executive

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1 powers used to -- to extend that to two weeks as I
 2 recall.
 3 BY MR. WILLIFORD:
 4 Q Can you --
 5 A But that was an emergency action under the
 6 response to the pandemic.
 7 Q Can you please turn to the page ending
 8 936?
 9 A Indeed, I can.
 10 Q And the subtitle of this slide is
 11 Comparison of Voter's Name, correct?
 12 A Yes.
 13 Q And the first bullet reads, compared for
 14 content not style, correct?
 15 A That is correct.
 16 Q What does it mean to compare something for
 17 content?
 18 A Well, obviously, this is juxtaposed
 19 against what I suspect would be a longer
 20 discussion about signatures. And that is really
 21 an effort to say this isn't that. You're not
 22 comparing -- this -- the name is just the name,
 23 not how it's written.
 24 Q So style refers to the handwriting?
 25 A That would be the point I'm trying to

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1 make, yes. Or yeah, the thought is trying to
 2 make.
 3 Q And then the second bullet reads,
 4 comparable if it is sufficiently similar so that
 5 any discrepancies are not so dissimilar that
 6 election officials are unable to determine that
 7 the two documents reflect different forms of a
 8 name belonging to the same individual - CBEC
 9 guidance?
 10 A So this is what I referred to earlier. I
 11 see --
 12 Q I'll actually note for the record, I
 13 haven't asked the question.
 14 A Oh.
 15 Q Correct?
 16 A My apologies.
 17 Q You're fine.
 18 A Maybe I won't get this right after all.
 19 Q Is that -- did I read that second bullet
 20 of the slide correctly?
 21 A Well, anticipating your question, you did.
 22 This is what I referenced earlier as --
 23 Q I would appreciate it if you would wait
 24 for me to ask the question. Sorry.
 25 MR. WILLIFORD: Would you please strike

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1 the witness' answer to the question that's not yet
 2 been asked.
 3 BY MR. WILLIFORD:
 4 Q Can you please explain the -- why this
 5 slide uses the word comparable?
 6 A Because that is the word -- or at least
 7 the, you know, slight contextual same root word at
 8 least that was used in the quotation of state law
 9 earlier referenced in the slide, the one right
 10 before it actually.
 11 Q But the statute does not say comparable,
 12 correct?
 13 A It says compare, but compare and
 14 comparable are -- have the same meaning in my
 15 opinion.
 16 Q Did you consult a dictionary regarding
 17 that?
 18 MR. FORD: Object to form.
 19 THE WITNESS: Well, compare, they compare.
 20 That's a verb. Comparable would be in my
 21 understanding of -- of I guess we could say the
 22 King's English, the -- the way to say compare in
 23 the context of that sentence. And that's
 24 certainly the point being made.
 25 BY MR. WILLIFORD:

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1 Q But you could also compare two dissimilar
 2 things, correct?
 3 A But you won't know they're dissimilar or
 4 similar until you compare them.
 5 Q So does the word compare in the statute
 6 refer to the action?
 7 MR. FORD: Object to form.
 8 THE WITNESS: We may have gotten awry when
 9 we started to discuss English, grammar I should
 10 say.
 11 But the requirement of the act is that the
 12 CBEC officials shall compare the name, which we're
 13 talking about here so I'll not read the list, as
 14 it's provided on the voter's absentee ballot
 15 application and the absentee ballot voter
 16 statement. And this paragraph sentence is the
 17 CBEC's attempt to provide guidance, and
 18 essentially what you asked earlier, a definition,
 19 although not maybe precisely a definition, but the
 20 function of a definition is what does that look
 21 like in the context of a name comparison.
 22 BY MR. WILLIFORD:
 23 Q And when you -- when the slide reads,
 24 sufficiently similar so that any discrepancies are
 25 not so dissimilar, does that mean that the CBEC

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1 officials should review the name as a whole?
 2 A Well, of course. You review the name as a
 3 whole, yes.
 4 Q And do you provide the CBEC officials with
 5 any guidance regarding how many discrepancies they
 6 should consider dissimilar?
 7 A I don't think this exercise is --
 8 MR. FORD: Hold on. Object to form.
 9 It -- if I may, I'm not trying to interrupt the
 10 deposition, so if you could just pause for a
 11 second so I can object. And that way the court
 12 reporter doesn't hate all of it.
 13 THE WITNESS: The record should reflect
 14 that the lawyer correctly briefed the witness.
 15 The witness is just difficult.
 16 You may want to repeat that question.
 17 MR. FORD: I apologize.
 18 MR. WILLIFORD: Could the court reporter
 19 read the question back?
 20 (Whereupon the requested question was read.)
 21 THE WITNESS: I do believe this is not an
 22 exercise you can reduce to a numerical value, but
 23 I think the fair and correct understanding of this
 24 discussion or the context is, is it the same name.
 25 Do you have -- and also there's a sense of

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1 the standards. And this is one thing we talk
 2 about consistently, always have, is the -- the
 3 initial position is the ballot is counted. You
 4 have to be convinced to the contrary before you
 5 would even really start having a discussion about
 6 whether it should -- you have to -- you should
 7 work with the assumption the ballot is going to be
 8 counted. There has to be something that would
 9 challenge that assumption is the point I'm trying
 10 to make, or this trying to make but in the context
 11 of this -- the agency, this is what I'm trying.
 12 The discrepancies, talking about what
 13 discrepancies there may be, so for instance, the
 14 first name is the same and the last name is
 15 different. Lots of valid explanations for that.
 16 We would say that if you don't -- you know, if
 17 that's the only thing that's at issue, you're
 18 going to want to -- you're not going to want to
 19 reject a ballot on that basis, is what I'm trying
 20 to say.
 21 Inclusion or omission, maybe they put
 22 their full name on one and their -- or left out
 23 their middle name on the second, you know, that's
 24 an example of what you would not want to reject a
 25 ballot for that reason, those sorts of things.

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1 BY MR. WILLIFORD:
 2 Q And when you are referring to you here
 3 that -- in this context, that refers to a member
 4 of a county board of election commissions,
 5 correct?
 6 A Well, I don't -- either refers to
 7 what -- them or what I would -- what the purpose
 8 of this training would be to instruct them to do,
 9 so I think it gets to the same place either way.
 10 Q And it is left to their independent
 11 judgment in each case, correct?
 12 A Well, again, the law provides --
 13 MR. FORD: Object to form. Sorry. That
 14 was late.
 15 THE WITNESS: The law provides or -- well,
 16 requires that these officials, they are officials,
 17 perform these tasks the same as we require a judge
 18 to have discretion -- you know, that's the job
 19 that the statute gives to them. Yes.
 20 BY MR. WILLIFORD:
 21 Q When you say discretion, you mean the
 22 commissioners have discretion --
 23 A Well --
 24 Q -- in applying this inquiry?
 25 A The commissioners have the responsibility

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1 to make these determinations.
 2 Q And would you characterize it as a
 3 subjective determination by the commissioners?
 4 MR. FORD: Object to form.
 5 THE WITNESS: I don't -- I would
 6 characterize this just to be the agency's effort
 7 to make it objective to the degree possible in an
 8 exercise such as this, that -- that there
 9 are -- are -- yeah. It's obviously more judgment
 10 is needed than to say is there ink on the piece of
 11 paper and the -- in comparison to an absentee
 12 signature. That's -- that's just -- there's no
 13 judgment necessary there.
 14 Here, there is a little bit more judgment
 15 and this is necessarily so based on the law, and
 16 this -- these -- this conversation that we're just
 17 kind of referencing is discussion on how that
 18 judgment should be exercised in this context.
 19 BY MR. WILLIFORD:
 20 Q And the -- there are three members of a
 21 county board of election commissions, correct?
 22 A That is correct. If all the seats are
 23 filled, of course.
 24 Q And when they make a determination, it is
 25 by majority vote, correct?

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1 A Unless the statute provides otherwise,
 2 yes.
 3 Q Okay. Can you please turn -- well,
 4 actually, I'm sorry, before we proceed, on the
 5 fourth bullet, can you please explain what one
 6 component of the name is?
 7 A So I'll mess it up, I'm sure, but our
 8 standard -- the point trying to be made here is
 9 you -- you should be very differential, but there
 10 is a limit to deference. I think, again, this is
 11 what I'm going to mess up.
 12 There was a -- I believe Chad Johnson was
 13 a football player whose name was Ochocinco, like
 14 legally changed the name. And whether that is the
 15 same person, there's no relationship whatsoever
 16 that the officials can draw between Ochocinco and
 17 Chad Johnson, that there is -- while this should
 18 be highly deferential, it's not unlimited
 19 deferential. And that's the -- the kind of the
 20 point that's being made there. And the example
 21 that's usually used, but I'm sure I got something
 22 wrong about that.
 23 Q I guess my question is more what do you
 24 mean one component?
 25 A So one -- first name versus last -- if the

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1 first name and last name are -- again, it's simple
 2 to use the example. If one piece of paper says
 3 Chad Johnson and one piece of paper says
 4 Ochocinco, there's no -- there's no components
 5 which compare.
 6 Conversely, you know, if the first piece
 7 of paper says Jane Smith and the second piece of
 8 paper says Jane Jones, that's a bad name, but
 9 there's clearly an explanation for why that -- or
 10 at least there is likely explanation for why that
 11 distinction exists, and that would be one
 12 component compared. That's the point we're trying
 13 to make.
 14 Q Could a commissioner decide that Jane
 15 Smith and Jane Jones do not compare?
 16 MR. FORD: Object to form.
 17 THE WITNESS: The question there
 18 ultimately is do they have the power to do it or
 19 are they permitted to do it?
 20 BY MR. WILLIFORD:
 21 Q Let's start with power.
 22 A Well, I mean, I have the power to do -- in
 23 the context -- I think the question is obviously,
 24 yes. There is -- there is review in place.
 25 Most -- and fundamentally and in the backstop,

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1 there is the ability to challenge the -- the
 2 election, so if a court were to ultimately
 3 rule -- or we haven't had that issue before us,
 4 but where the CBEC able to review it, they would
 5 see the need to make that determination. And
 6 similarly, if the court ever reviewed a situation
 7 such as the one you described, there would be a
 8 need to make that legal conclusion.
 9 Basically what I'm saying is that I think
 10 it's a question that none of the courts or the
 11 administrative process have yet answered.
 12 Thankfully, it's a question, at least that I
 13 haven't -- well, at least personally been aware of
 14 happening.
 15 Q Well, let's say, you know, a commissioner
 16 says I think Jane Smith and Jane Jones are both
 17 very common names --
 18 A Well --
 19 MR. FORD: Wait.
 20 THE WITNESS: Let me take a revise to my
 21 answer, because there is one component --
 22 MR. FORD: Hold on, hold on.
 23 THE WITNESS: I'm sorry.
 24 MR. FORD: Object to form. Technically,
 25 he didn't finish the question.

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1 MR. WILLIFORD: Yeah.
 2 MR. FORD: So just, first, let's just let
 3 him finish real quick and then let me object and
 4 then -- it's just, the record is getting really
 5 weird, so...
 6 BY MR. WILLIFORD:
 7 Q If a commissioner were to reason I think
 8 Jane Smith and Jane Jones are all common
 9 components of names, I therefore think it is more
 10 likely than not that these are just two different
 11 people, is that a defensible decision?
 12 MR. FORD: Object to form.
 13 THE WITNESS: I'm going to get this. So
 14 really, we're -- we've moved on from the -- the
 15 question fundamentally is we moved on from power
 16 and now we're talking about authority, or are they
 17 allowed to.
 18 And the answer is, I think, at least
 19 through the context of a statutory provision that
 20 says CBECs are required to conduct the election
 21 consistent with the training of the SBEC. I think
 22 the answer to that question is no, they're not
 23 permitted to. I wasn't thinking about that part
 24 of it later. I kind of jumped to the court side.
 25 But there is a statutory provision that says they

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1 must act consistent with their training.
 2 And I have -- and I have no problem saying
 3 that doing so, rejecting -- the -- what you
 4 described would be inconsistent with the training,
 5 I believe. And obviously, in a real case there
 6 might be other facts that bear, but in the
 7 hypothetical you present.
 8 BY MR. WILLIFORD:
 9 Q And what if there were two components --
 10 one component in common but there is a typo in the
 11 component that appears to be in common?
 12 A And that --
 13 MR. FORD: Object to form.
 14 THE WITNESS: That's exactly the sort of
 15 discussion that the -- what we talked about in the
 16 beginning was meant to address, that you're not
 17 looking at those sorts of questions. You're
 18 looking at the name as a whole, that spelling
 19 would be a part of the conversation of a signature
 20 analysis, but not a name analysis.
 21 If the -- obviously, you're talking about
 22 spelling here. If it changes the name, then
 23 you're having a different conversation. But if
 24 it's something like J-O-N versus J-O-H-N, that is
 25 peculiar, it's probably a conversation you might

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1 have in context with other relevant factors in the
 2 signature, but that wouldn't be a proper
 3 consideration for the name.
 4 Q When you said it's a discussion you would
 5 have in context with other factors, does that
 6 mean --
 7 A In --
 8 Q -- the Commission would say, you know,
 9 we're on the fence about the signature and the
 10 name is a little bit off?
 11 A No.
 12 MR. FORD: Object to form.
 13 THE WITNESS: No. What I -- what I meant
 14 to say was in the context of the signature
 15 discussion, that would be something to be -- we're
 16 going to get there, I'm confident. But that is
 17 not -- again, I don't know -- we don't -- that's
 18 not a situation that's come up enough that it's
 19 ever been brought up or included in the training
 20 about spelling errors in the name. But it seems
 21 to me to be a good example of what is not -- what
 22 is not included in content versus style to the
 23 extent that it's a clear --
 24 I think a more likely scenario would be
 25 the name was just written in such a way that one

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1 of the letters was illegible and maybe that puts a
 2 little finer -- or a little clear point on it.
 3 That would not be a consideration for the
 4 Commission to engage in when it comes to a
 5 comparison of the name. And my hunch is,
 6 obviously I don't have full knowledge of every
 7 activity in the state ever, that very few, if
 8 maybe even any, signatures are rejected for
 9 comparison of the name. Or -- I just muddled
 10 that.
 11 Very few ballots are rejected on this
 12 analysis. Now, if a name is -- absence is one
 13 thing. We'll probably talk about that too. But I
 14 don't think what you're -- what you're proposing
 15 in that hypothetical happens or would happen.
 16 BY MR. WILLIFORD:
 17 Q What if the first name appears to be a
 18 different gender?
 19 MR. FORD: Object to form.
 20 THE WITNESS: There was a little pause
 21 there.
 22 I -- I mean, I think you fall back
 23 on -- that's not -- you know, I see the point.
 24 I'm not sure that's something that's been fully
 25 discussed. But I do point back to the same

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1 principles that we discussed related to marriage,
 2 adoption, and divorce could -- could operate there
 3 as well.
 4 BY MR. WILLIFORD:
 5 Q And just to confirm, I think your -- your
 6 example was Chad Johnson and Ochocinco. There are
 7 circumstances where the SBEC guidance would be to
 8 disqualify a ballot, but it -- it would be the
 9 same person?
 10 MR. FORD: Object to form.
 11 THE WITNESS: Well, the -- it's, I mean,
 12 again remember the task set before us. We're
 13 analyzing documents. We're not investigating
 14 God's truth of the universe. There has -- the
 15 comparison requires some similarity. We -- the
 16 point of this is to say, great deference is given
 17 in the context of this comparison.
 18 And -- and according to our training,
 19 even, you know, a -- a portion of the name
 20 comparing is -- is sufficient, I believe, given
 21 the logical explanation for why one portion may be
 22 different.
 23 BY MR. WILLIFORD:
 24 Q Understood.
 25 MR. WILLIFORD: I think this might be a

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1 good time for a break. We've been going about an
 2 hour.
 3 MR. FORD: Sure.
 4 THE VIDEOGRAPHER: We are off the record
 5 at 10:13 a.m.
 6 (Whereupon a break was had.)
 7 THE VIDEOGRAPHER: We are back on the
 8 record at 10:26 a.m.
 9 BY MR. WILLIFORD:
 10 Q Mr. Shults, can I please direct you back
 11 to what has been marked as Plaintiff's Exhibit 2?
 12 And can you please turn to the next page, which is
 13 DEFS_066938? And the subtitle of this slide is
 14 Comparison of the Voter's Address, correct?
 15 A It is.
 16 Q And the first bullet point on the slide
 17 reads, comparable if it is sufficiently similar so
 18 that any discrepancies or minor incongruities are
 19 not so dissimilar that election officials are
 20 unable to determine that the two documents reflect
 21 the same physical address -- CBEC guidance,
 22 correct?
 23 A Yes.
 24 Q Can you please explain the difference
 25 between a discrepancy and a minor incongruity?

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1 A Well, I believe -- excuse me. I think
 2 it's worth remembering that this isn't writing
 3 law. This is writing training materials, so the
 4 additional language is not so much -- the
 5 principle that a discrepancy -- a difference means
 6 a distinction in the law is applicable here,
 7 should be applicable here. What this is, is an
 8 attempt to provide the content in a way that is as
 9 descriptive as possible.
 10 Q And what are you describing with that
 11 content?
 12 A Well, the purpose of this as with the
 13 prior one is to help provide a framework of
 14 understanding that's set up in the commissioner's
 15 mind that, again, the assumption is this ballot
 16 will be counted. And to the degree there are
 17 variations between the address in the two
 18 documents, the question in their mind should be,
 19 are they unable to determine the two documents
 20 reflect the same physical address.
 21 Q And the second bullet reads incongruities
 22 which may occur include and -- is that correct?
 23 A That's what it says. Yes.
 24 Q And that bullet is followed by four sub
 25 bullets which reads respectively: Abbreviations,

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1 inclusion or omission of a component such as,
 2 quote/unquote, street or, quote/unquote avenue,
 3 inclusion or omission of a quote/unquote zip plus
 4 four, and other variations in form, correct?
 5 A That's what it says. Yes.
 6 Q Are these incongruities still comparable
 7 between two addresses?
 8 A Yes. I mean, again, the -- we're not
 9 looking at actual facts, but if -- if you were to
 10 say, does an abbreviated versus a non-abbreviated
 11 represent an incongruity that's comparable?
 12 Absolutely. Same with all of these. Again, that
 13 is PowerPoint slide. It's intended to foster a
 14 discussion, not be a statement of law. But yes,
 15 every one of those should be counted and that's
 16 the point trying to be made.
 17 Q And what would -- do you also provide
 18 examples of what should not be counted?
 19 A Not on the slide at least.
 20 Q What did you --
 21 A No.
 22 Q Strike that.
 23 The last bullet reads, other variations in
 24 form, correct?
 25 A Uh-huh.

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1 Q Is that intended to convey that this list
 2 is non exhaustive?
 3 A The list is certainly non exhaustive, but
 4 yes, I would say that's fair.
 5 Q Can you please turn to the next page.
 6 This is the page marked DEFS_066939. And the
 7 subtitle of this slide is comparison of the date
 8 of birth, correct?
 9 A Yes.
 10 Q And the first bullet point reads,
 11 comparable if the same month, date, and year are
 12 described in both documents --
 13 A Yes.
 14 Q -- correct?
 15 A Sorry.
 16 Q And then the next bullet reads, a date
 17 expressed in numerals should be found comparable
 18 if the month and date are transposed due to
 19 differences in international conventions in dates,
 20 correct?
 21 A That is correct.
 22 Q And the slide provides the example of
 23 11/8/2022 and 8/11/2022, correct?
 24 A That's right.
 25 Q These examples could, under the same

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1 convention, refer to distinct dates, correct?
 2 A That is correct.
 3 Q What is the basis for saying that this are
 4 the criteria for determining that a date of birth
 5 is comparable?
 6 MR. FORD: Object to form.
 7 THE WITNESS: I did good on that one.
 8 That -- I'm not sure you're -- what part
 9 are you talking about? The first part or the
 10 second part?
 11 BY MR. WILLIFORD:
 12 Q I guess my question is: The statute
 13 refers to the date of birth -- or comparing the
 14 date of birth, correct?
 15 A Right.
 16 Q What is the basis for saying that means
 17 the same month, date, and year included in both
 18 documents -- or strike that.
 19 That the same month, date, and year being
 20 described in both documents makes it comparable?
 21 MR. FORD: Object to form.
 22 THE WITNESS: It's really -- I think this
 23 question -- the answer would apply to any of this.
 24 As I said, at the outset and I said at the outset
 25 when we're having this discussion, what this is,

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1 is the SBEC attempting to help provide more --
 2 both the framework of how to think about these and
 3 more understanding and information about them.
 4 That is the -- essentially the, as I understand
 5 it, the position of the agency as long as this
 6 process has been -- as long as I have the
 7 understanding of what the agency's position was in
 8 this process.
 9 BY MR. WILLIFORD:
 10 Q Could a commissioner determine that
 11 1/8/2022 and 8/11/2022 refer to, in his or her
 12 judgment, November 8th, 2022, and August 11, 2022?
 13 MR. FORD: Object to the form.
 14 THE WITNESS: Almost good. The -- the
 15 purpose of the second point is by, obviously, I
 16 think to address a specific and -- be sure that
 17 something that might not be thought about is
 18 thought about. So essentially we're taking --
 19 BY MR. WILLIFORD:
 20 Q Go ahead.
 21 A This one potential incongruity and making
 22 sure that the commissioners understand this is
 23 the -- rejecting that is the wrong way to read it
 24 and here's why that's the wrong -- the wrong way
 25 to apply -- to fulfill your responsibilities.

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1 Because in this unique situation, even though
 2 it -- if you had a commissioner who in his mind
 3 that was different, we want to point out why that
 4 understanding is wrong, that these are expressing
 5 the same month and day and that both are
 6 legitimate ways to express that month and day.
 7 Even -- anyway.
 8 Q And you say you want to make sure the
 9 situation is thought about, correct?
 10 A Well, I would go farther and say thought
 11 about and resolved consistent with -- that's what
 12 the -- the should is there for, that not only has
 13 it been thought about, but once thought about,
 14 it's resolved consistent with what the agency has
 15 determined is two legitimate ways to express the
 16 same date and should not be considered
 17 uncomparable, if you will. Kind of a unique
 18 situation.
 19 Q So would you say if it's -- strike that.
 20 If the example were 11/8/2022 and
 21 11/9/2022, you would say those do not compare?
 22 MR. FORD: Object to form.
 23 THE WITNESS: Yeah. That would be --
 24 yeah, I think that's fair.
 25 BY MR. WILLIFORD:

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1 Q Can you please turn to the next page,
 2 which is marked DEFS_066940? And the subtitle of
 3 this slide is Comparison of the Voter's Signature,
 4 correct?
 5 A Indeed.
 6 Q And the first bullet on the slide reads,
 7 comparable unless the signature on the voter
 8 statement is sufficiently dissimilar to the
 9 signature on the absentee ballot application so
 10 that the reviewing officials are left with an
 11 abiding conviction that the signatures being
 12 compared are written by two different people,
 13 correct?
 14 A That is correct.
 15 Q Can you explain what an abiding conviction
 16 is?
 17 A Prior to what I said before, this isn't
 18 writing law. This is writing training materials.
 19 The goal of this statement is to set up in
 20 the -- you know, the CBEC member's mind that the
 21 standard of assuming it's to be counted but will
 22 be, you know, under certain conditions should be
 23 rejected and that the phrase abiding conviction is
 24 meant to convey that -- maybe I'm borrowing from
 25 judicial ideas, but that -- that it's not -- this

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1 isn't -- this isn't 50/50. This isn't civil
 2 litigation type standard. You have to be --
 3 you're not just a little bit convinced these are
 4 different people. You have to be highly
 5 convinced, would be a fair characterization.
 6 Q And it refers to each individual
 7 commissioner's conviction?
 8 A That is correct.
 9 Q And the commissioners are bound to follow
 10 this training, correct?
 11 MR. FORD: Object to form.
 12 THE WITNESS: I supposed I should say how
 13 that particular statutory requirement applies
 14 isn't -- has never really been explored. But yes,
 15 there's a statute that says they're to act
 16 consistent with it.
 17 BY MR. WILLIFORD:
 18 Q And then the next bullet reads,
 19 non-exhaustive list of criteria to consider in
 20 analyzing two signatures, correct?
 21 A Yes.
 22 Q Why did you -- or why does the slide, the
 23 bullet begin non-exhaustive list?
 24 A That's probably the bureaucracy in an
 25 organization not wanting to make an exhaustive

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1 list and then there being something not included,
 2 probably be the most truthful answer. Because
 3 these are things that we're going to be talking
 4 about in the following slides.
 5 Q But the position of this bureaucracy is
 6 that this is not an exhaustive list, correct?
 7 A Probably the correct position -- I don't
 8 know if there's a distinction in there. It might
 9 be exhaustive, but we're not saying it's so.
 10 Q Can you please turn to the next slide
 11 which has been marked DEFS_066941?
 12 A Indeed, I can.
 13 Q What is the purpose of this slide? I
 14 should -- strike that.
 15 The -- the subtitle of this slide is
 16 Comparison of the Voter's Signature - spacing,
 17 correct?
 18 A That's correct. And if I may, I probably
 19 say what is the purpose of the slides collectively
 20 and then we can talk about the individual ones, if
 21 that's all right.
 22 But the purpose of this slide --
 23 Q Maybe I should -- I should ask the
 24 question before --
 25 A All right. Well, you did ask.

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1 Q As we've not gotten to the other slides
 2 yet, I'm going to --
 3 A All right.
 4 Q -- ask about each one individually so just
 5 that we're talking about each piece of evidence as
 6 we go.
 7 What is the purpose of this slide, Bates
 8 stamp DEFS_066941 with the subtitle Comparison of
 9 the Voter's Signature - spacing?
 10 A The purpose of this slide operating
 11 together with the following slides is to
 12 describe -- is to create -- create may be the
 13 wrong word.
 14 To discuss an objective -- to discuss with
 15 the commissioners, to provide them with some ways
 16 to look at the signature comparison responsibility
 17 with more objective and -- and articulatable
 18 analysis unless -- you know, to ensure they're not
 19 just -- that no one thinks it's appropriate to
 20 just say, that looks different to me. That's not
 21 an appropriate way to do it.
 22 If you're going to -- one, if you even
 23 reach this conversation, we think there might be
 24 an issue here, you need to look at with this
 25 signature -- the spacing and these other things

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1 we're going to talk about and see in -- if one
 2 or -- and the other things that we say, and
 3 probably would say on this slide because it's at
 4 the outset, is that if you see one of these
 5 things, that's a great indication that it's a
 6 signature you need to count.
 7 If you see several of these issues
 8 together in the same signature, then maybe you
 9 start having a discussion about is this something
 10 that we're -- that's we're properly going to
 11 count.
 12 So getting maybe more precise into your
 13 question, the spacing is a description of the
 14 concept of both letters and words, how they are
 15 placed in comparison distance to the letters and
 16 words around them, I guess would be a fair way to
 17 put it.
 18 Q And how do you describe this slide in the
 19 training?
 20 MR. FORD: Object to form.
 21 THE WITNESS: Well, so what I -- and
 22 that's kind of why I wanted to go down that road.
 23 What I would do at the outset, probably in the
 24 prior slide if not this one, is describe what I
 25 just said. And then I would talk about -- and I

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1 would also say that the purpose of -- that what
 2 we're talking about here is these slides are to
 3 illustrate the concept. Again, they're not to
 4 show -- these are all signatures that you should
 5 count, if that was what we were talking about.
 6 But just to have some demonstrative to illustrate
 7 what is spacing.
 8 So for instance, on -- in Garfield's
 9 signature on the first version, the first and the
 10 middle initial are in close proximity. There is a
 11 gap in the second one. The -- and President
 12 Adams -- John Adams' rendering there, the point
 13 would be to note that spacing could also be the
 14 letters within the words. You might point out
 15 just the closer proximity of those letters
 16 in -- in the one versus the other.
 17 BY MR. WILLIFORD:
 18 Q And did you draw a conclusion about --
 19 whether these are comparable signatures?
 20 MR. FORD: Object to form.
 21 THE WITNESS: Well, sorry. The -- well,
 22 and I -- I would say either at the outset or now
 23 that these are -- not only -- one, these are
 24 all -- should be compared, of course. They're all
 25 close in this case at least. But that these are

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1 not examples of whether they should be compared or
 2 not compared. That's not the purpose of these
 3 slides. The purpose is to illustrate the concept.
 4 We talk about that at the end.
 5 BY MR. WILLIFORD:
 6 Q And so if you go to the next slide which
 7 is Bates stamp DEFS_066942, with the subtitle of
 8 the slide is Comparison of the Voter's Signature -
 9 Type or Style of Writing, correct?
 10 A Yes.
 11 Q And there are two examples on the slide of
 12 the name John Doe; is that correct?
 13 A That's correct.
 14 Q And the purpose of this slide is to
 15 illustrate the different handwritings reflected by
 16 these two examples, correct?
 17 A Well, to -- to, again -- illustration is
 18 not as relevant here. The purpose is to point out
 19 that one of these, you know, objective categories,
 20 if you will, is type or style. So in this case
 21 cursive versus print.
 22 Q And did you discuss with the attendees
 23 whether these two signatures are comparable?
 24 MR. FORD: Object to form.
 25 THE WITNESS: As I said, we had

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1 that -- either at the beginning or the conclusion
 2 of these slides, we would say that these aren't
 3 examples of signatures. There might be a
 4 discussion that could have been had, but we
 5 basically left with statement that these are about
 6 the concept. We're not talking -- this is not --
 7 not an example of signatures that should or
 8 shouldn't be counted.
 9 So I mean, we didn't have that discussion
 10 every one because that's not the purpose of these
 11 slides, but it was collectively stated.
 12 BY MR. WILLIFORD:
 13 Q Do you walk the trainees through each
 14 slide?
 15 A I use each slide to illustrate the
 16 concept, again, spacing type or style. I know I
 17 don't want to get ahead of you -- but each slide
 18 has its own type or style -- its own concept that
 19 was iterated at that -- you know, at the beginning
 20 when you had the list.
 21 So again, the purpose of these slides is
 22 to illustrate state the concept. And the point of
 23 all of it is to give the commissioners an
 24 objective way to think about this exercise and
 25 more information and kind of a -- again, a way to

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1 think about it.
 2 And we also commonly -- or also
 3 recommended, at least, although I wouldn't say
 4 that we would -- we say you're required to do
 5 this, that in the -- in the uncommon event you
 6 feel that you have to reject a signature, we would
 7 recommend you document why. You don't just say
 8 it's not enough. You say why. But again, I
 9 wouldn't say that's a requirement they do that.
 10 That's kind of an add-on piece of advice. But
 11 even if they don't write it down, think in these
 12 terms. And they need to be seeing three or four
 13 or five of these different categories in the same
 14 signature before you start contemplating the
 15 possibility of rejecting one.
 16 BY MR. WILLIFORD:
 17 Q And then if you could turn to the slide
 18 marked or Bates stamped DEFS_066950?
 19 A 50, you said?
 20 Q 50, 950.
 21 A Yeah.
 22 Q The subtitle of this slide is Electronic
 23 Signatures, correct?
 24 A That's correct.
 25 Q What is the purpose of this slide?

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1 A The purpose of this slide is to -- to, I
 2 suppose, raise the issue -- to point out that some
 3 distinctions will legitimately and necessarily be
 4 present in the context of -- based on the
 5 instrument used to create the signature.
 6 This says electronic. I would also say,
 7 you know, if you signed with a Sharpie you'd have
 8 the same effect essentially. And that the -- and
 9 here, I probably would have even went as far as to
 10 say in this case these -- you know, these would be
 11 countable, because to the degree you can -- can
 12 tell, these are solid -- you know, these --
 13 there's no real -- none of these other categories
 14 are present. All the distinctions you see here
 15 are due to the writing instrument and that
 16 shouldn't be held against the voter. That was the
 17 point.
 18 Q If I may ask, how did you create the
 19 example with Harry S. Truman?
 20 A Generally, I don't -- it's been several
 21 years now, I feel like, at least a year or more.
 22 So I won't say 100 percent, but the concepts
 23 I -- essentially, we saw that there -- it would be
 24 useful, there was a need perhaps or at least to be
 25 fair to the commissioners, they should be provided

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1 more information on how they're expected to do
 2 this job they're required to do. And -- and the
 3 general categories and many, if not all, of the
 4 examples were borrowed from, I believe, the State
 5 of Colorado's handbook on this topic.
 6 Q I see. Did you discuss with attendees
 7 autosignatures or DocuSign?
 8 A I wouldn't think so.
 9 Q So you did not discuss, like, saved
 10 signatures or typed signatures in cursive font?
 11 A No --
 12 MR. FORD: Object to form.
 13 THE WITNESS: No. I don't believe. Again,
 14 I -- you know, in the context of these, it always
 15 makes you nervous. Could it have ever come up?
 16 It's certainly possible, but I have no
 17 recollection of it. And it's not part of what
 18 would be uniformly be discussed.
 19 BY MR. WILLIFORD:
 20 Q Turning to the next slide which is Bates
 21 stamp DEFS_066951, the subtitle is What Do You
 22 Think? Correct?
 23 A Uh-huh.
 24 Q Is this a slide used for the purposes of
 25 discussion with attendees at the training?

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1 A Indeed, it is.
 2 Q How many attendees would be at one of
 3 these trainings --
 4 A Vary --
 5 Q -- ballpark?
 6 A It can vary, obviously. But in the
 7 initial tranches, 35ish seems about right. Maybe
 8 obviously could be more, could be less, depending
 9 on where you are in the state. Later on, of
 10 course, in make-ups, that number shrinks for
 11 obvious reasons and -- could be as many as -- I
 12 don't know that we'd ever go over 50 unless we
 13 just were really in a bind. That's probably about
 14 what we consider a cap. And obviously, venue
 15 affects that as well.
 16 Q When you discuss the slide, do you call on
 17 individual attendees?
 18 A I wouldn't say we've never done it, but
 19 no, I don't think that was our practice.
 20 Q Do you open the floor for discussion?
 21 A We solicit discussion.
 22 Q How many attendees discuss -- participate
 23 in that discussion?
 24 MR. FORD: Object to form.
 25 THE WITNESS: I don't know that I can

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1 answer that question. It would obviously vary,
 2 but I -- I sort of have a -- this notion, I think
 3 it's right, that some parts of the state are more
 4 talkative than others. So in some it may be a
 5 healthy percentage and some it may be a limited
 6 percentage. But whether there's discussion or
 7 whether we prompt the discussion would probably
 8 vary from situation to situation.
 9 BY MR. WILLIFORD:
 10 Q Can you describe one of these discussions?
 11 A Well, so the way this would operate is the
 12 little bullet points wouldn't be there. We keep
 13 clicking and they pop up. And so we would ask
 14 the -- ask the people to -- to see anything that
 15 they -- to basically try to articulate what are
 16 those concepts that may be applicable.
 17 And then we would -- and then at some
 18 point, if -- whether that was fruitful or not, we
 19 would then start clicking up the other ones and
 20 talk about the ones that are on here.
 21 Q What do you mean by whether that was
 22 truthful?
 23 A Whether -- I mean, if there's a
 24 discussion, we let the discussion move -- you
 25 know, proceed for a while. But the -- the points

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1 are to prompt discussion or -- if none is present,
 2 or to guide it if it is and it's time to move on.
 3 Q And when there is discussion, do attendees
 4 present different points about each of these
 5 bullet points?
 6 A I mean, certainly, I'm -- I wouldn't -- I
 7 suspect perhaps that could have happened. But I
 8 think a more -- you know, what really happens is
 9 somebody might say, you know, the cross point on
 10 the R on the -- the first one exceeds -- is, you
 11 know, through the -- the vertical bar on the
 12 middle R. On the second one, it isn't, that the
 13 end stroke is different or beginning.
 14 It's basically different people would
 15 point out different points. It wasn't a debate
 16 necessarily. I wouldn't say that maybe that
 17 didn't ever occur, but it wasn't a common
 18 situation.
 19 Q Did you come to a conclusion at the end of
 20 this discussion about whether the signature
 21 is -- signature compares?
 22 MR. FORD: Object to form.
 23 THE WITNESS: I don't -- it has obviously
 24 be some time. I think this one is certainly one
 25 that there are more issues. I don't recall that

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1 we said this is it or this isn't. It's possible.
 2 This is the one that -- it -- put it together with
 3 the one next to it, this is the one where there
 4 are more issues. And then the one following is
 5 one that -- that I think we did reach that
 6 conclusion. So there's kind of a clearly solid an
 7 incorrect and a, this one is on the fence, sort of
 8 a discussion.
 9 BY MR. WILLIFORD:
 10 Q And this is the on-the-fence example?
 11 A That's correct.
 12 Q Okay. So if you turn to the next slide
 13 which is Bates stamp DEFS_066952, the subtitle is
 14 What Do You Think? Correct?
 15 A That's correct.
 16 Q And the signature on the right is the
 17 same -- I'm sorry, the signature on the left is
 18 the same as the signature on the left on the
 19 previous slide?
 20 A I believe that's correct.
 21 Q Correct?
 22 A Seems to be real close, if it's not.
 23 Q And --
 24 A Yeah. I think it looks like it is.
 25 Q And this signature example is the one that

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1 you said is obviously correct?
 2 A Well, hopefully, it's not obviously
 3 correct or the exercise isn't that useful, but it
 4 is -- you know, it is clearly, in my mind at
 5 least. And the point would be that this one is
 6 certainly count -- should be counted.
 7 Q And why do you think this one should be
 8 counted?
 9 A Well, again --
 10 MR. FORD: Object to form.
 11 THE WITNESS: -- the -- the overall goal
 12 of this exercise is to create an objective
 13 analysis, not a subjective analysis in this -- in
 14 this process in those commissioners. But
 15 the -- so doing that, the -- you know, and I don't
 16 go over if they want everything, but the
 17 point -- so if I was presenting this, if I were
 18 doing this part, I would say something like I
 19 would point out all the things that are wrong with
 20 it. And then point out that there -- although
 21 automatically that there are variations in every
 22 signature -- I can sign twice right now, there
 23 would be variations, that the point is you should
 24 expect to be variations, but in at least my
 25 opinion, there are certainly insufficient

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1 variations here that would even get me to having a
 2 discussion about whether it should be rejected.
 3 BY MR. WILLIFORD:
 4 Q So is it --
 5 A And --
 6 Q -- the number of variations as compared to
 7 the prior signature that is the basis of your
 8 opinion?
 9 MR. FORD: Object to form.
 10 THE WITNESS: This can't be reduced to
 11 math, in my opinion. But number and severity are
 12 related concepts. Number -- and to some degree we
 13 did reduce it to math in that we did say -- we do
 14 say and continue to say that if the only problem
 15 you're seeing is -- well, of course, the
 16 pen -- the pen weight is the easy example.
 17 But if you're only seeing one or two of
 18 these objective categories we're talking about,
 19 that's a great sign that's a solid -- that's a
 20 signature that doesn't -- and the right way to say
 21 it and the way we would say it, is that
 22 doesn't -- again, you're starting with the
 23 assumption that this is going to be counted. Only
 24 on a few are you even going to have a discussion
 25 about the signature analysis. And then once you

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1 have to discussion, you have to reach a -- it's
 2 not just a, I think it's more likely than not.
 3 It's I'm convinced, abiding conviction is the word
 4 we chose in the little paragraph. But I'm
 5 convinced, solidly convinced, whatever that gets
 6 that point across that this isn't just a 50/50
 7 question. This is a heavy question.
 8 One easy way to make that point is to say
 9 if you're only seeing a few of these objective
 10 categories, that's a clear -- I'm not trying to
 11 use the word clear, but could have or would have
 12 in the future, it's a clear sign, that's a good
 13 indication, is probably what I would have said,
 14 that this is a signature that can and should be
 15 counted.
 16 BY MR. WILLIFORD:
 17 Q And it is up to the individual
 18 commissioners to identify potential variations in
 19 the signature, correct?
 20 A Necessarily so.
 21 Q Can you please turn to the page Bates
 22 stamp DEFS_066953?
 23 A Yes.
 24 Q And this slide is also subtitled What Do
 25 You Think? Correct?

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1 A That's correct.
 2 Q And is this example the example of a
 3 signature that is -- should not be counted?
 4 A It is --
 5 MR. FORD: Objection to form, sorry.
 6 THE WITNESS: I did good for a while.
 7 It is an example of a -- yeah. I mean,
 8 again, it's not -- this isn't -- the point is the
 9 discussion. But yes, this is one that actually
 10 was a -- that we came up across when the very -- I
 11 don't know, we may talk about it later, but the
 12 ballot disposition report was the only one at that
 13 time at least across the entire state that had
 14 indicated a rejection.
 15 And so we asked for a copy of that and --
 16 and kind of included it in as a -- this one,
 17 the -- yeah. The point, of course, to facilitate
 18 discussion, but this one really does probably give
 19 you a pretty indication of what tips the scales.
 20 BY MR. WILLIFORD:
 21 Q You asked for a copy of the ballot for the
 22 purposes of creating this training, correct?
 23 A Well, I don't know that that was exactly
 24 the case. We asked for it just curiosity, but we
 25 were -- we were interested in what was behind it

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1 when we saw it. Because again --
 2 Q Which election is this from?
 3 A I don't recall. Would have been something
 4 in -- well, it would have been some sort of
 5 special election or -- or the -- like, in 2021
 6 because it would have been after the new law that
 7 created the ballot disposition report which wasn't
 8 in place in 2020.
 9 Q And you said it's for the purposes of
 10 discussion, correct?
 11 A As used here, yes.
 12 Q And does that mean you think there was
 13 some ambiguity about whether it is the same
 14 individual's signature?
 15 MR. FORD: Objection, form.
 16 THE WITNESS: I believe that analyzing it
 17 in the context of the prior discussion, it does
 18 lead a fair-minded person -- again, we originally
 19 didn't really have an example of what would not
 20 count. And this one being a real-life example
 21 might be -- I thought might be illustrative.
 22 BY MR. WILLIFORD:
 23 Q Do you know whether the -- these two
 24 signatures were written by two different people?
 25 MR. FORD: Object to form.

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1 THE WITNESS: I don't know that. I can't
 2 know that.
 3 BY MR. WILLIFORD:
 4 Q And the question you asked about these
 5 slides is the question on the right which reads,
 6 is there enough to justify rejecting this absentee
 7 ballot? Correct?
 8 MR. FORD: Object to form.
 9 THE WITNESS: Well, that's what's on the
 10 page. Yes.
 11 BY MR. WILLIFORD:
 12 Q And did you ask that question after going
 13 over the factors on the left in the list of the
 14 four bullet points on this slide?
 15 A Yes. Yeah. I -- well, I don't know. If
 16 your question is which one pops up first, I'm not
 17 certain, but the -- I mean, in a sense, yes.
 18 Q All right. Can you turn to the next slide
 19 which is Bates stamped DEFS_066954?
 20 A Indeed, I can.
 21 Q And the subtitle of this slide is
 22 Comparison of the Voter's Signature - Takeaways,
 23 correct?
 24 A Indeed, it is.
 25 Q What do you mean by the judgment of

Page 90

1 fair-minded people?

2 A Well, what we mean is you should exercise

3 good judgment and be fair-minded people, but it's

4 kind of just a -- maybe I -- maybe it's just the

5 way I refer to it or maybe somebody else picked up

6 on, but it -- it essentially is a backwards way of

7 admonishing them to be fair-minded and use good

8 judgment.

9 Q So the judgment of fair-minded people

10 means to be fair-minded and use good judgment?

11 A In that that is required for this process,

12 yes.

13 Q And what do you mean by -- or what -- what

14 is meant by a convincing case?

15 A Where do you see that?

16 Q I'm in the --

17 A Sorry.

18 Q -- the first sub bullet under the second

19 bullet. It reads, quote, all signatures have

20 distinctions. The question you have to ask is, do

21 the quantity and severity of the distinctions

22 taken two together, form a convincing case that

23 the signature was not created by the same person,

24 end quote, correct?

25 A Yeah. So convincing -- that's obviously

Page 91

1 familiar -- I -- that's probably -- I don't know

2 if I wrote that.

3 Q What does a convincing case mean?

4 A The goal here is to essentially restate

5 the original thing said at the beginning, that is

6 the default is it gets counted. And to -- and to

7 of course say what I said earlier, all signatures

8 have distinctions. The question you have to ask

9 is, if all of that taken together, you know, chins

10 the bar, as I've heard it said in the --

11 Q Chins the bar?

12 A The bar established in -- in the prior

13 slide which says that the way to think about this

14 is, if the default is it's counted, you have to

15 have -- we might say clear and convincing. I went

16 with abiding conviction to try and -- I didn't

17 want to use legalese. I wanted to use a phrase

18 that I thought would be more easily understood by

19 the -- by the audience, but that's kind of the

20 idea.

21 It's not clear and convincing. That has a

22 technical meaning. But it's not a little bit.

23 This might be -- and the point of this is, if all

24 of the available information taken together is

25 this is on the fence, you count it. That's, of

Page 92

1 course, what the next line says.

2 Q But it is in the judgment of an individual

3 commissioner where the fence is, correct?

4 MR. FORD: Object to form.

5 THE WITNESS: Well, the point of the

6 training is to build the fence in their mind, you

7 know. Applying it is the duty given to them in

8 the law.

9 BY MR. WILLIFORD:

10 Q And what do you mean by quantity and

11 severity of this distinction?

12 A Kind of goes to what I said earlier in

13 response to one of your questions. You can't

14 entirely reduce this to math, but if there is a

15 number of different kinds of things or different

16 iterations of those things and they're minor,

17 they're might be a lot of them and they're minor,

18 and that's -- maybe the -- the pen weight is a

19 good example of that. A lot of the same minor

20 variation, that's -- so you need severity and you

21 need quantity. And it's -- like I said, you can't

22 reduce it to math, but that's the concept that's

23 trying to be brought across.

24 Q So there's a balancing of quantities --

25 A Of course, I'm not adopting the technical

Page 93

1 implications of balancing, but yes.

2 Q But weighing?

3 A Yeah. There you go.

4 Q A weighing of quantity and severity; is

5 that -- is that accurate?

6 A Well, I mean --

7 MR. FORD: Object to form.

8 THE WITNESS: -- weighing them and

9 consistent with the law and the parameters set

10 out. But analyzing, I'll go with analyzing.

11 BY MR. WILLIFORD:

12 Q Can you turn to the slide Bates stamped

13 DEFS_066958?

14 A Indeed, I can.

15 Q And the title of this slide is Scenario

16 One Answer, correct?

17 A Right. So the scenario being the -- the

18 two pictures without the arrows is on the prior

19 slide. And then this provide the arrows to point

20 out the points we're trying to bring out here.

21 Yes.

22 Q And what are the points you're trying to

23 bring out here?

24 A The names are not exactly the same, but

25 similar. Kind of goes back to your earlier

Page 94

1 question. And signatures are not exactly the
 2 same, but they are similar. Ballot should be
 3 counted.
 4 Q And did you discuss this scenario with the
 5 attendees?
 6 A Yes, of course.
 7 Q And how long did that discussion last?
 8 MR. FORD: Object to form.
 9 THE WITNESS: I mean, obviously, it can
 10 vary. It lasted as long as it was fruitful. As
 11 long as there was -- so put it a different way.
 12 Would allow them to -- kind of the same thing I
 13 said earlier. What issues do you see?
 14 It would give them time to work through
 15 it. And if my memory serves, I'm pretty sure it
 16 does, these were also handed out to them and,
 17 like, you know, without the answers obviously.
 18 And so they had it in front of them.
 19 The whole point of this exercise is to,
 20 you know, particularly with the new commissioner
 21 in mind, you know -- you know, what -- the first
 22 time they ever think about doing it, being a
 23 real-life ballot, you want to have them think
 24 about doing it in a situation.
 25 Now, this obviously is an exhaustive

Page 95

1 treatment, but it does give some exercises for
 2 them to -- to think about applying the -- the
 3 concepts in a hands-on way.
 4 BY MR. WILLIFORD:
 5 Q Can you please turn to the page Bates
 6 stamp DEFS_066970?
 7 A 70?
 8 Q 970.
 9 A I am there.
 10 Q And the title of this slide is Processing
 11 Provisional Ballots - Generally, correct?
 12 A Indeed, it is.
 13 Q And the last bullet on the slide reads,
 14 additional info for absentee voters if able to
 15 send prior to deadline, correct?
 16 A That is correct.
 17 Q What absentee voters does this refer to?
 18 A Absentee voter -- so the -- in -- and I
 19 think necessarily there isn't specific additional
 20 instruction given to an absentee ballot that is
 21 made provisional, which is what this is referring
 22 to obviously. That's the answer to your question,
 23 I guess.
 24 So this is a recommendation that, if
 25 possible, if you can go above and beyond to send a

Page 96

1 special notice to your absentee voter, it would be
 2 a good idea.
 3 Q And ballots that the CBEC determines --
 4 well, I should ask, is this notification sent
 5 before -- before the CBEC reviews the ballot?
 6 A Well, that's kind of a yes or no.
 7 Q Or the ballot paperwork?
 8 A Notice is given --
 9 MR. FORD: Object to form. Sorry.
 10 THE WITNESS: Notice is given to the
 11 voters prior to that. So if you're -- if you vote
 12 and your ballot is then provisional in person, not
 13 really what you're talking about, you're handing
 14 those in in public, there's a form for that that
 15 the Commission has to put in the little blank
 16 about when their meetings are going to be, but the
 17 basic content is pre-provided in there from us.
 18 For an absentee voter, the -- the
 19 requirements are set out in the instructions and
 20 in the form that we were just looking at. So they
 21 have it on the front end. Now, if their ballot is
 22 made provisional, the law doesn't -- I mean, it's
 23 difficult, particularly in the context of a lot,
 24 to -- to provide a special notice that gets to
 25 them.

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1 Because really what we're talking about
 2 here is ID, missing ID. But, if possible, it
 3 would be good to go above just the statutory
 4 requirements and provide additional notice. And
 5 that's what we're trying to say here.
 6 And of course, the law does require if a
 7 ballot is rejected that they be notified
 8 subsequently.
 9 BY MR. WILLIFORD:
 10 Q But that is subsequent -- when you say
 11 subsequently, do you mean subsequent to a final
 12 decision by the County Board of Election
 13 Commissioners?
 14 A That is correct. That they have to be
 15 notified of what the final decision is.
 16 MR. FORD: Just note my continuing
 17 objection.
 18 THE WITNESS: Are we done with this one, I
 19 take it?
 20 MR. WILLIFORD: Yes. Thank you.
 21 (Exhibit 3 marked for identification.)
 22 BY MR. WILLIFORD:
 23 Q I've handed you what has been marked as
 24 Plaintiff's Exhibit 3. Do you recognize this
 25 document?

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1 A Yes. I'll give the same answer I gave
 2 before. It appears to the County Election
 3 Commissioner Manual produced by our office. I
 4 obviously can't validate the whole thing. If I
 5 see anything that doesn't look right, I'll let you
 6 know as we go.
 7 Q Thank you. Can you please turn to page 46
 8 of this document which has been Bates stamped --
 9 A Forty --
 10 Q 46. Which has been Bates stamped
 11 DEFS_066077?
 12 A I'd be willing to just go with our page
 13 numbers if it makes everyone's life easier, but
 14 that may be an issue with a deposition. I don't
 15 know. And I'm there.
 16 Q Can you look at -- there -- the third
 17 heading on the page reads, Verification of Voter
 18 Registration in Absentee Ballots, correct?
 19 A Hold on. I may not be there. Say that
 20 page number again.
 21 Q 46.
 22 A Now, it is. 46 -- 46. No, it isn't.
 23 Q Are you looking at the Bates number 46?
 24 A Why don't we just start all over. What
 25 page are we going to be on?

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1 Q We're on page 46 in the lower left-hand
 2 side of the page and --
 3 A 46 in our numbering?
 4 Q In our -- in the --
 5 A Maybe we should just do one version of the
 6 numbing. I think I got confused.
 7 Q No problem.
 8 A Whatever one is better for you. Let's
 9 just do one.
 10 Q Whatever is easiest for the court
 11 reporter.
 12 A Verification of Voter Registration and
 13 Absentee Ballot on page 46. I am there.
 14 Q And the last -- second-to-last paragraph
 15 on the page reads, if an absentee ballot is
 16 designated as a provisional ballot for lack of a
 17 valid photo ID, the provisional/absentee ballot
 18 may only be counted if the voter verifies their
 19 voter registration to the county clerk or County
 20 Board of Election Commissions before 12:00 noon on
 21 the Monday following the election, and there is no
 22 other legal basis requiring the ballot to not be
 23 counted. The voter must also be lawfully
 24 registered in that county and have voted on the
 25 correct ballot, correct?

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1 A You've read it correctly, yes.
 2 Q And what does, there is no other legal
 3 basis, refer to in this sentence -- in this
 4 paragraph?
 5 A This, I think, obviously parallels the
 6 constitutional provision that uses approximately,
 7 if not precisely, that same language, you know,
 8 broken out in type and form. And what it says is,
 9 the voter ID cure cures the voter ID problem. If
 10 there's some problem unrelated to the ID, then --
 11 you can't say -- so if the law just said shall be
 12 counted, it could be read to override the other
 13 issues. The questions are considered
 14 independently, is the point.
 15 Q So the -- there is an -- the strike that.
 16 Where a ballot or an absentee application
 17 form and a voter statement are found not to
 18 compare with regard to one or more data points,
 19 that would override the presentment of photo ID in
 20 response to provisional ballot?
 21 MR. FORD: Object to form.
 22 THE WITNESS: That is correct. If it was
 23 rejected on that basis, the ID issue would
 24 essentially be moot.
 25 BY MR. WILLIFORD:

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1 Q So even if a voter comes to present voter
 2 ID that would also correct one of data points, the
 3 voter cannot actually cure that ballot?
 4 A Well, it's a -- it's a separate question.
 5 The ID function -- I don't -- whether -- I guess
 6 where it corrected the data points is a -- is
 7 a -- kind of a -- is a point, but what you're
 8 saying is correct. It's -- that would have no
 9 impact on the data point comparison process.
 10 Q So the presentment of voter ID under those
 11 circumstances would not result in the ballot being
 12 counted?
 13 A If it had already been -- yes. In those
 14 circumstances, being that the CBEC had not counted
 15 the ballot based on the discussion we were having
 16 earlier about the comparison of the four data
 17 points.
 18 Q Can you turn to page 92?
 19 A I can. And I believe that I have.
 20 Q And the -- this page includes a flowchart
 21 and is -- with the title Initial Canvassing
 22 Process, page 1, correct?
 23 A Indeed, it does.
 24 Q Can you look at the last box on the
 25 flowchart on this page and read it -- read the

Page 102

1 text in that?

2 A Well, I'll read it and you tell me if it's

3 one you meant. I'll read it as if we're doing

4 more of these.

5 Does the name on the identification

6 document match application and voter statement.

7 Q Why does it say match in this box?

8 A Well, it -- to some degree, you're trying

9 to fit language in boxes, but this is referring to

10 a process separate from the one we've been

11 discussing earlier.

12 Q And what is that process that is separate

13 from the one we've been discussing?

14 A That there has to be an ID of -- a voter

15 ID present.

16 Q And if the name on the application and the

17 voter statement compare, does -- do they still

18 have to then match the name on the voter

19 identification document?

20 A Well, again, as I mentioned when we were

21 discussing these earlier, these aren't legally

22 defined terms. We did try to create the

23 framework, essentially definitions, in the context

24 of the other process.

25 But the purpose of this isn't to set out

Page 103

1 the legal standard. It's to -- or to establish

2 the legal standard. It is to show how the flow

3 goes.

4 So the ID is present. And it's the ID of

5 the person in question, the same name. Then you

6 move on. The ID is not present -- or I mean, if

7 there's an ID of a different person, that would

8 not be counted. Wouldn't be correct to say that

9 you're doing some -- you know, if the name was

10 slightly different -- and we've discussed this and

11 this point in other context.

12 And in this and even in more length in the

13 poll-worker training, those same concepts related

14 to the name, we would apply equally to the

15 question about whether a name compares on the ID.

16 So this isn't to reflect a stronger standard.

17 Q And I'm finished with this document. You

18 referenced poll-worker training.

19 Is that something -- does the SBEC have

20 responsibilities with regard to poll-worker

21 training?

22 A As I mentioned earlier, the statute lists

23 everyone and says they need training, I believe

24 the word is coordinated by the SBEC. I think it

25 goes without saying that our agency cannot train

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1 every poll worker in the state. So per rule which

2 we're authorized to promulgate, the way this is

3 addressed is the CBECs are required to appoint two

4 individuals, or not less than two I should say --

5 we would train more as long as space permits, and

6 even -- even pay to train them if they ask in

7 advance which we usually do, if at all possible.

8 And these people are then tasked with doing the

9 training for their poll workers in the counties.

10 Q And do they use training materials

11 provided by the State Board of Election

12 Commissioner?

13 A They do.

14 Q Are they allowed to make changes to that

15 training material?

16 A They're allowed to make changes -- so

17 there's kind of two -- two layers to this.

18 They're allowed to make non-substantive changes,

19 if you will, put in local procedures, local

20 modification, local information in the -- you

21 know, as -- at their discretion.

22 If they're going to rewrite the thing in a

23 way that either just completely creates a new

24 document or -- obviously, the point of -- the what

25 I'm about to say is, they are allowed to rewrite

Page 105

1 the thing in its entirety to create a local

2 document, but that needs to be looked at by us.

3 They are not allowed, of course, to change the

4 reflections of what the law requires.

5 Q Has any county submitted changes to the

6 portions of the training concerning comparing

7 names, date of birth, address, or signature?

8 A Well, but that's -- that wouldn't be

9 training. That wouldn't be covered in the

10 poll-worker training I was referring to. So I

11 mean, that wouldn't be a relevant consideration.

12 Q So the absentee ballot clerks go through a

13 different training than the poll-worker training?

14 A So the absentee ballot clerks are

15 given -- we provide with the poll-worker

16 trainings -- what am I trying to

17 say -- information that they -- the CBECs can use

18 if they're going to appoint trainers, but

19 that's -- that is essentially covered by us

20 through the formal training process, only through

21 the training we just went through.

22 The poll-worker training is something

23 different. That's for people who are in-person

24 voting at the poll, how do you do that. That's

25 what poll-worker training is.

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1 Q So the absentee ballot clerks are trained
 2 directly by the state board --
 3 A No. No. If -- if they're appointed,
 4 they're -- they're trained based on the local
 5 Commission's -- discretion is the right word. The
 6 local Commission's determination of how that's
 7 necessary. But remember, they can only count
 8 ballots. They can't reject ballots.
 9 Q Right. Do they receive the training
 10 materials you provide to the county commissioners
 11 at the trainings that we have been discussing?
 12 A I mean, that would be the county that
 13 handles that. They're not on the list, is what
 14 I'm saying.
 15 Q Okay. So the state board staff does not
 16 know what training materials are provided to the
 17 county absentee ballot clerks?
 18 A That's not set out in our required
 19 trainings, but we do know what's -- but the
 20 training we just discussed is the training that's
 21 given to the people whose ultimate responsibility
 22 it is to conduct the absentee ballot canvassing.
 23 MR. WILLIFORD: I think this probably a
 24 good time for a break we've been going close to an
 25 hour.

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1 THE VIDEOGRAPHER: We are off the record
 2 at 11:25 a.m.
 3 (Whereupon a break was had.)
 4 THE VIDEOGRAPHER: We are back on the
 5 record at 12:42 p.m.
 6 BY MR. WILLIFORD:
 7 Q Good afternoon, Mr. Shults. Has the State
 8 Board of Election Commissioners reviewed any
 9 ballots rejected by a county board of election
 10 commissioners on the basis that the signature did
 11 not compare?
 12 A Well, I mentioned the one. There's
 13 certainly no systematic review. I hate to say
 14 it's never happened, but not -- not something I've
 15 been a part of, at least.
 16 Q Do you recall any other occasions on which
 17 you have reviewed a ballot that was disqualified
 18 based on the determination that the signature did
 19 not compare?
 20 A No. Not that I -- well, again, I know,
 21 speaking for myself, maybe that's a little bit
 22 complicated here, but I'm not aware of such a
 23 situation. It's plausibly possible, but...
 24 Q And you're not aware of any other -- any
 25 such situation at the State Board of Election

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1 Commissioners?
 2 A (Witness nodded head.)
 3 Q And is the same true with regard to the
 4 other data points we have discussed today?
 5 A Right. I mean, the only time we would
 6 review a live ballot -- again, other than that one
 7 instance where it was -- were curious about what
 8 was going on there, is if they were somehow part
 9 of a review process of a complaint. So maybe I
 10 need to back that up a little bit.
 11 There are certainly situations where we
 12 have reviewed ballots, but they weren't being
 13 looked at because of any action related to this
 14 process we're discussing here today. So put that
 15 a different way, as part of the complaint process
 16 we may have a complaint that talks about -- that
 17 alleges some sort of misconduct related to fraud
 18 or something like that. Obviously, that would
 19 involve reviewing the ballot. But we wouldn't be
 20 reviewing the CBEC's exercise of this process
 21 unless it came up somehow incidentally in that
 22 broader inquiry.
 23 Q Does the CBEC -- sorry, strike that.
 24 Does the SBEC take any other steps to
 25 review the County Board of Election Commissioners'

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1 implementation of the training regarding signature
 2 comparison?
 3 A I do know -- and it's something that we
 4 would like to do is have -- and there has been a
 5 few occasions where what you're -- well, and I say
 6 that. Actually, what I'm about to say is really
 7 not on the topic you're discussing. I'm thinking
 8 of poll-worker training, but this process isn't in
 9 that.
 10 So the review mechanisms for this process
 11 as we're not talking about poll-worker training
 12 we're talking about CBEC training, would be the
 13 ones that are created in law which are citizen
 14 complaint processes and, of course, judicial
 15 review of the election and its processes.
 16 Q And judicial review would only occur if
 17 someone files a lawsuit related to an election?
 18 A That's right.
 19 Q And a citizen complaint would be initiated
 20 by a particular voter, correct?
 21 A It can be filed by the Board. But for
 22 practical reasons, obviously would have to be made
 23 aware of it. And the way we'd likely be made
 24 aware of an issue is from a citizen filing a
 25 complaint in the first place.

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1 Q And if a citizen filed a complaint, you
 2 would likely only review the ballot related to
 3 the -- you know, challenged under that complaint?
 4 A I'm not sure I understand that question.
 5 Q You would only review the ballot, absentee
 6 application, and voter statement, that are the
 7 subject of the complaint?
 8 A That would be correct. Yes. And -- you
 9 know, would not be part of the process of
 10 determining the outcome of the election.
 11 Q Okay.
 12 A The judicial review, of course, would have
 13 the impact -- potential to impact the election
 14 outcome.
 15 Q Has there ever been a judicial review
 16 applying the comparison standard?
 17 A Not --
 18 MR. FORD: Object to form.
 19 THE WITNESS: Sorry. Not to my
 20 recollection. Well, so at least I'm not aware
 21 of -- there probably potentially has been some
 22 litigation, like preemptive litigation. There's
 23 this litigation of course. I'm not saying there's
 24 never been a litigation, but there's not been to
 25 my knowledge a review of an actual case, like a

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1 challenge of the election context. May have, I'm
 2 not aware of it and we didn't seem to have any
 3 files on it that we've identified.
 4 Q The SBEC's position is that match and
 5 compare should not be used interchangeably,
 6 correct?
 7 A Well, the SBEC's position is that you
 8 should use the -- the standard established by
 9 statute to the -- to the extent match contemplates
 10 a different standard, that different standard
 11 should not be used.
 12 Q And you testified earlier today that it is
 13 your view that match implies a different standard,
 14 correct?
 15 A Could imply. I mean, words have different
 16 meanings to different people, but we want to make
 17 sure that that is not -- to the extent that's the
 18 impression someone would get from the word match,
 19 we want to disabuse them and give them the correct
 20 interpretation of the statutory term.
 21 Q Do you know whether any County Boards of
 22 Elections Commissioners notate that ballots have
 23 been disqualified because data points don't match?
 24 A What do you mean? I mean, they would have
 25 to --

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1 Q I mean, do they record the reason for the
 2 disqualification as data points not quote/unquote
 3 matching?
 4 A Well, again, matching, as you -- as you're
 5 own question states isn't what we're saying here.
 6 But do they -- we have suggested that that might
 7 be a good idea, but we haven't said it's a
 8 requirement. It's not a requirement of a step
 9 involved, so I don't know is the answer to the
 10 question.
 11 Q I guess the question -- let me pose it
 12 more broadly.
 13 Do you know whether counties use the word
 14 match in --
 15 A Okay.
 16 Q -- reviewing absentee ballots?
 17 A I think I was answering a different
 18 question.
 19 Q Right. And I understood that you were
 20 saying it was difficult to answer the question,
 21 so --
 22 A The -- well, again, just if someone said
 23 match, that doesn't automatically mean to me they
 24 have the wrong idea. They may consider match and
 25 compare -- they have the right idea and they're

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1 just using a term I wouldn't use. If your
 2 question is am I aware of counties doing this
 3 incorrectly, no.
 4 Q What do you mean by incorrectly?
 5 A Doing it inconsistent with the discussion
 6 we had earlier.
 7 Q And have you taken any steps to develop an
 8 understanding of the counties' practices?
 9 A I mean, have we come -- I mean, if
 10 what -- if what you're asking is, have we went out
 11 to look over the shoulder and see how they're
 12 doing it, the answer to that is no.
 13 Q And the -- to the extent that a county
 14 does record specific reasons that a ballot is
 15 disqualified, they do not -- that county does not
 16 have to provide that information to the SBEC,
 17 correct?
 18 A No. No. That would be -- I mean, again,
 19 as I'm sure we probably said earlier, elections
 20 are legally -- the responsibility of conducting
 21 elections is the county's responsibility. I mean,
 22 we do the roles that were given in statute. We do
 23 things that we find to further those roles, but we
 24 don't -- that's not -- that's not part of the
 25 process that's established.

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1 (Exhibit 4 marked for identification.)
 2 MR. FORD: Note the continuing objection.
 3 MR. WILLIFORD: Note Plaintiff's
 4 continuing reservation of rights.
 5 BY MR. WILLIFORD:
 6 Q Mr. Shults, I've handed you what's been
 7 marked as Plaintiff's Exhibit 4.
 8 A Yes.
 9 Q Do you recognize this document?
 10 A Well, it's a complaint, a complaint form
 11 filed with our office relating to the 2020 general
 12 election. I recognize it as that.
 13 Q But you do not know have a recollection --
 14 A Well, here, let me read it now. Perhaps
 15 I'll have a better idea.
 16 I think I have a general recollection of
 17 the issue, yes.
 18 Q Can you please turn to the page, let's
 19 see -- okay. Here several different pages numbers
 20 on here. So can you turn to the page that is
 21 Bates stamped DEFS_008637?
 22 A Indeed, I can.
 23 Q And the first sentence on this page reads,
 24 Ms. Boyette, I received a letter from you
 25 yesterday stating that my absentee ballot for the

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1 2020 general election did not count because the
 2 signatures do not match, with quotations around
 3 signatures do not match. The second sentence --
 4 Did I read that correctly?
 5 A That's what's here.
 6 Q The second sentence reads, what do I need
 7 to do to get this corrected and make sure my votes
 8 counts, question mark?
 9 Did I read that correctly?
 10 A That's what it says. Yes.
 11 Q Was there anything the author of this
 12 e-mail could have done to get the issue corrected?
 13 A No. Not under the law.
 14 Q And if this voter had complained to the
 15 SBEC about the application, the standard
 16 quote/unquote do not match, would the SBEC be able
 17 to take any action?
 18 A I think that does essentially -- let me
 19 say this, my recollection is that this complaint
 20 was, unfortunately under the rules as they were at
 21 that time, untimely. The rules now would have
 22 made it timely, are one of the things they were
 23 extended for were those right-on-the-deadline type
 24 situations. But then -- then you essentially
 25 probably are raising a legal question.

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1 My hypothetical question of what we would
 2 have done if we were able to address it. My
 3 thought is we -- we likely would have read do not
 4 match as -- as least sufficient allegations to
 5 justify opening an investigation, but I'm --
 6 that's ultimately a decision for the Board. I
 7 can't speak for what the Board would do.
 8 Q And --
 9 A Put it this way, we tend to be pretty
 10 permissive and lean towards investigating things
 11 if we have the authority to do it.
 12 Q And can you turn to the page Bates stamped
 13 DEFS_008641?
 14 A 41?
 15 Q 41.
 16 A I will endeavor to do so. Last page, yes.
 17 Q And this appears to be an e-mail from
 18 Sandy Boyette that reads, Mr. Mitchell, I spoke to
 19 the commissioners about this and they said they
 20 always go over those ballots the day after
 21 election. Their decision was final. Thank you,
 22 Sandy Boyette, correct?
 23 MR. FORD: Object to form.
 24 THE WITNESS: That's what it says.
 25 BY MR. WILLIFORD:

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1 Q And is it correct that the commissioners'
 2 decision is final?
 3 A Yes. That is stated in the law.
 4 MR. FORD: Continuing objection.
 5 (Exhibit 5 marked for identification.)
 6 BY MR. WILLIFORD:
 7 Q Mr. Shults, I've handed you what has been
 8 marked as Plaintiff's Exhibit 5.
 9 Do you recognize this document?
 10 A The it appears to be a staff report
 11 associated with the complaint we were just
 12 discussing.
 13 Q Can you turn to the second page of this
 14 document? And can you read the last paragraph on
 15 this page?
 16 A The bolded paragraph?
 17 Q Correct.
 18 A Staff recommends dismissal of the
 19 complaint. The staff further recommends the
 20 complaint --
 21 THE REPORTER: Can you read slower,
 22 please?
 23 THE WITNESS: Indeed. Apologies.
 24 Staff recommends dismissal of the
 25 complaint. Staff further recommends that the

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1 complaint be forwarded to the Hot Springs County
 2 Election Commission to ensure they are aware of
 3 the issues raised.
 4 BY MR. WILLIFORD:
 5 Q What is the issues raised referring to?
 6 A Grab this back. The -- the -- essentially
 7 the voter suggesting that their -- that their
 8 ballot wasn't counted and based on the -- the
 9 allegations here that it was, in fact, their vote.
 10 Therefore, certainly -- certainly a concern there
 11 that needs to be addressed. Like I said, I think
 12 we probably would have investigated it, but for
 13 the timeliness we --
 14 I do like to say try to -- try to tell
 15 people when we're talking about these sorts of
 16 topics, if you say no to a ballot you've done one
 17 of two things both very important. One, you found
 18 somebody trying to cheat, that's very important.
 19 Or there was an actual vote that wasn't counted,
 20 and that's important. So we want to make the
 21 commission aware of it. That way they have the
 22 ability to take appropriate steps from their
 23 perspective. And I think obviously the context
 24 suggests they were already aware of it, of what we
 25 read.

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1 (Exhibit 6 marked for identification.)
 2 MR. FORD: Continuing objection.
 3 BY MR. WILLIFORD:
 4 Q Mr. Shults, I've handed you what has been
 5 marked as Plaintiff's Exhibit 6. Do you recognize
 6 this document?
 7 A Yes.
 8 Q And the second paragraph of this documents
 9 reads, this complaint was dismissed due the
 10 untimely submission; however, after reviewing the
 11 complaint, the State Board felt it was necessary
 12 to forward this information to your office in
 13 order to ensure that similar situations do not
 14 recur in the future, end quotation.
 15 Did I read that correctly?
 16 A Yes.
 17 Q What did you mean by similar situations?
 18 A Well, I think this is probably in some
 19 respects a form letter, but in this context that
 20 the -- that if it was the case that the
 21 allegations were true, that they -- basically that
 22 the issue be reviewed, and such that there's not
 23 a -- a repeat of the -- so yeah, if -- it's hard
 24 to say what without looking at it whether the
 25 Commission made -- I'm not saying they made the

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1 right decision. I'm not saying they made the
 2 wrong decision. I can't see without seeing the
 3 underlying documents.
 4 And I think it's an effort to flag the
 5 issue without running the risk of the agency
 6 taking some position that they did something wrong
 7 when we don't have the legal authority to do that
 8 based on what -- how this was resolved per the
 9 rules.
 10 Q What would prevent the situation from
 11 recurring?
 12 A Well, again, it's not super precise
 13 language because I -- hard to know exactly what
 14 should have happened without knowing what did
 15 happen. But if a -- if facts assumed in the
 16 allegation are correct, that this was a voter and
 17 what they said was true, that -- that I think that
 18 it should be -- whatever was done should be
 19 reviewed.
 20 I mean, it's possible, of course, I think
 21 a fair reading of the law would say that if a
 22 signature was sufficiently dissimilar that it is
 23 theoretical that it could have been a reasonable
 24 action by the Board, even if it was the voter.
 25 But the -- hopefully the process is set up in such

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1 a way to make that an extreme rarity. But again,
 2 the lack of specificity derives from the lack of
 3 being able to speak authoritatively on what
 4 situation -- what was the underlying facts here
 5 because I don't know them.
 6 MR. WILLIFORD: And the next series of
 7 exhibits I'm going to use contain personal
 8 identifying information pertaining to voters. And
 9 I just want to note for the record that counsel
 10 have agreed to maintain this information as
 11 confidential pending further agreement on a
 12 protective order.
 13 MR. FORD: Yes. But I would note that the
 14 State has to comply with the Freedom of
 15 Information Act, so there's certain limitations to
 16 that. But I guess for our purposes, we will -- we
 17 don't intend on filing anything with the court and
 18 the public record related to voters' names
 19 without, you know, addressing that with you.
 20 So I guess I wanted to make sure that, you
 21 know -- I'm not saying we would get a FOIA
 22 request, and if we did whether or not we have to
 23 comply with it, but there are those issues. I
 24 can't keep things confidential if the law says
 25 that it's not confidential.

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1 So but yes, we don't intend on filing
 2 voter names' unnecessarily.
 3 (Exhibit 7 marked for identification.)
 4 BY MR. WILLIFORD:
 5 Q Mr. Shults, I've handed you what has been
 6 marked as Plaintiff's Exhibit 7. Do you recognize
 7 this document?
 8 A No. I recognize it in a general sense,
 9 but not specifically.
 10 Q Do you recognize it as an example of the
 11 papers that would be contained in an absentee
 12 ballot submission?
 13 A Well, I think there are other things
 14 potentially here, but yes. Yeah. I think the
 15 answer to your question is yes.
 16 Q Can you turn to the Arkansas application
 17 for absentee ballot?
 18 A First page?
 19 Q So I believe these documents were produced
 20 in a different lawsuit and the Bates numbers are
 21 very tiny at the bottom.
 22 A Yeah.
 23 Q PCEC, and this appears to be the last
 24 page, in fact, PCEC 1 --
 25 A The green one?

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1 Q No, the application.
 2 A Oh I was looking --
 3 Q The envelope is PCEC 12.
 4 A I had it upsidedown.
 5 Q No problem.
 6 A With you. Got it.
 7 Q It's -- and can you read the address --
 8 name and address under where it says, I will
 9 receive my ballot by?
 10 A The mailing address?
 11 Q Yes.
 12 A I can.
 13 THE REPORTER: Did you say you can or
 14 can't?
 15 THE WITNESS: I am able to see it.
 16 BY MR. WILLIFORD:
 17 Q You are able to see it and it reads 2295
 18 S --
 19 A Well, not able to read it, but I'm
 20 following.
 21 Q You're able to follow the -- S Cameron
 22 Circle, Fayetteville, Arkansas?
 23 A Yeah.
 24 Q And then you see under where it says, I
 25 certify under penalty of perjury that I'm

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1 registered to vote and that I'm the person who is
 2 registered. There is a different address,
 3 correct?
 4 A That appears to be correct, yes. It is
 5 correct.
 6 Q And that address is 10801 San Joaquin
 7 Valley Drive, Little Rock, Arkansas 72212,
 8 correct?
 9 A Appears to be, yes.
 10 Q And the same name appears above this with
 11 the addition of the middle initial D, correct?
 12 A Oh, yes.
 13 Q And then if you'll turn to page -- the
 14 page with the identification card copied on it, do
 15 you see that the address 10801 San Joaquin appears
 16 on the driver's license?
 17 A Indeed.
 18 Q And then could you please turn to the
 19 absentee voter statement? And --
 20 A Very red.
 21 Q I appreciate that this is quite faint, but
 22 you would agree with me that the voter's
 23 residential address appears to be 2295 S Cameron
 24 Circle, correct?
 25 A Yeah. I suppose I do.

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1 Q Yeah?
 2 A It is quite faint, but I assume that's --
 3 well, anyway, I don't know.
 4 Q Would it be consistent with the SBEC's
 5 training to disqualify this ballot on the basis
 6 that the addresses do not compare?
 7 A Hold on -- let me look at it a second.
 8 Well, so first, obviously, this is -- because of
 9 the nature of this deposition, I think I can give
 10 you my opinion. I'm not -- I can't within a -- I
 11 don't have the basis to say this is the agency's
 12 opinion because I don't have the power of the
 13 Board to reach policy decisions, so I don't know
 14 how we want to handle that.
 15 Q Well, we did notice an individual
 16 deposition as well. I guess --
 17 MR. WILLIFORD: It depends on how you want
 18 to handle it.
 19 MR. FORD: As long as he's clear in his
 20 answer and your question on what capacity he's
 21 testifying to, I mean, if he -- if you -- I'm
 22 trying -- I don't want to lead at all, but if he's
 23 saying this is my opinion and we're clear -- and
 24 we're clear in the answer that this is not the
 25 SBEC's opinion, I don't have a problem with just

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1 answering the question rather than wait and so --

2 MR. WILLIFORD: I will ask.

3 BY MR. WILLIFORD:

4 Q Is there an individual who would be able

5 to speak to the SBEC's position?

6 A Necessarily, no. The SBEC is a board, so

7 its position, if faced with a question of policy

8 or interpretation, would be it its collective

9 decision.

10 Q Right. So the decision about whether this

11 example of a ballot should or should not be --

12 should be disqualified would be by vote of the

13 commissioners?

14 A Or --

15 Q And by which, I mean -- let me back up.

16 Whether it's the policy of the SBEC that

17 this ballot should be disqualified,

18 hypothetically?

19 A Right. And I think we're on the same

20 page. What I'm trying to say is, if this were a

21 question before the Board, did this violate the

22 law, the Board is the only one with the power to

23 answer that. And if a court were to answer it,

24 then we would follow the binding ruling of the

25 court, happily so. I'm not in power to exercise

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1 that level of authority.

2 MR. WILLIFORD: So I think, Matt, I

3 understand his position and I am comfortable

4 proceeding with it sort of clear that this is his

5 individual opinion. I think it's more efficient

6 to do it that way than switch to a different

7 deposition, as long as you're comfortable with

8 that as well.

9 MR. FORD: Witness is comfortable, I'm

10 comfortable, as long as it's clear on the record

11 in what capacity he's testifying to.

12 THE WITNESS: I'm guessing it's probably

13 safe to say there will be another one of these.

14 MR. WILLIFORD: There will --

15 THE WITNESS: And that will carry for the

16 a rest as well as.

17 MR. WILLIFORD: We'll just make that a

18 continuing agreement for this set of exhibits. So

19 to -- let me repeat the question.

20 BY MR. WILLIFORD:

21 Q Is it consistent with the SBEC's training

22 to disqualify this ballot on the basis that the

23 addresses do not compare?

24 A So again, I'm not going to restate that

25 every time, just so we're all on the same page.

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1 It looks to me like, arguably, yes.

2 It -- because the -- the voter's registered

3 address, so the county clerk is empowered and

4 authorized, or required I should say, required to

5 provide a ballot to a voter who puts their -- who,

6 in part, provides the address at which they're

7 registered to vote. That's one of the

8 requirements to apply for an absentee ballot.

9 Q Can you turn to the voter statement --

10 A Right. And --

11 Q -- and read the text in Box 2?

12 A I certify that this is the physical

13 address --

14 Q Can you read -- I'm so sorry, can you read

15 slightly more slowly for the benefit of our --

16 A Yeah. I'm bad anyway and reading makes it

17 worse. Feel free to -- well, you're not scared to

18 throw things, so...

19 I -- Box 2, voter's residential address.

20 I certify that this is the physical address in the

21 state of Arkansas at which I reside.

22 Q That does not say the address at which I

23 am registered to vote, correct?

24 A It does not.

25 Q And this individual appears to have

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1 written the address at which they received the

2 ballot by mail, correct?

3 A So appears, yes. I feel -- if you'll

4 indulge me, it does bear noting that this, while

5 it may have been a draft of something we were

6 working on, this was not a -- this form dates back

7 to a time prior to the uniform form.

8 Q Noted. And then if you'll turn to the

9 voter -- the voter's driver's license, you would

10 agree with me that the address on this driver's

11 license is the same as the address that the voter

12 wrote as the voting residence address on the

13 application for absentee ballot?

14 A Yes. In -- in fairness, I should probably

15 note, the CBEC is instructed to ignore the address

16 on the driver's license. There's a good reason

17 for that, because a voter is not required to have

18 their registered address on the driver's license.

19 And we would not want -- and we, in fact, stress

20 that a voter driver's license address shouldn't be

21 considered because we don't want it to be

22 considered in a way that is adverse to the voter.

23 So we do stress ignoring it. So in fairness to

24 whomever did that, that should be noted.

25 Q Great. And looking at this ballot packet,

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1 if I may call it that, do you see any indicia of
 2 voter fraud in these papers?
 3 MR. FORD: Objection. Form.
 4 MR. WILLIFORD: Can I ask how you would
 5 like me to ask it?
 6 MR. FORD: I'm not going to tell you how
 7 to conduct your deposition.
 8 MR. WILLIFORD: What is the basis of your
 9 objection?
 10 MR. FORD: Well, it's just the definition
 11 of voter fraud, do you want him to try to define
 12 that or just -- not only that, but --
 13 THE WITNESS: I don't think --
 14 MR. FORD: -- it's outside of the scope of
 15 what -- I don't know notice in your 30(b)(6)
 16 that --
 17 MR. WILLIFORD: You objected to the form,
 18 I believe, correct? And is -- am I to understand
 19 that the basis of your objection is that the
 20 definition of voter fraud is the --
 21 MR. FORD: No. So you're asking him, one,
 22 there's no -- first, what capacity is he
 23 testifying. Is he testifying as Daniel Shults, an
 24 individual --
 25 MR. WILLIFORD: Yeah. And we're still --

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1 we're still subject to that agreement.
 2 MR. FORD: You're asking him to
 3 investigate something he has no power or authority
 4 to do. And so I'll say it calls for speculation
 5 and we'll leave it at that.
 6 THE WITNESS: Is it back to me?
 7 BY MR. WILLIFORD:
 8 Q It is back to you.
 9 A Okay.
 10 MR. WILLIFORD: Can you read back the
 11 question that I originally asked?
 12 (Whereupon the requested question was read.)
 13 THE WITNESS: So I'm not sure what that
 14 means or would look like. I'm not -- not trying
 15 to -- I don't think that's the -- I don't know. I
 16 guess, do I see to the extent I understand what
 17 you mean by indicia of fraud, I do -- can I point
 18 to any, I guess the answer to that is no.
 19 Obviously, you're proving a -- not proving,
 20 contemplating a negative.
 21 Q I'm simply asking for your opinion of
 22 whether you see any sign --
 23 A Let me --
 24 Q -- of voter fraud on the face of those
 25 papers.

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1 A Let me try that a different way. I
 2 don't -- I don't see information that would allow
 3 me to reach an opinion of whether voter fraud
 4 exists or does not. I would, I guess, say that
 5 the -- the policy of whether the standards which
 6 would be applied are not -- what may or may not
 7 constitute voter fraud is a policy decision made
 8 by the legislation. It's not my job or the
 9 Commission's job to reach those decisions. If
 10 they do reach them, they should act on them. But
 11 their job is to fulfill the statutory
 12 requirements. And I think those contemplate a
 13 separate question than the one you asked -- that
 14 I'm answering.
 15 Q So your personal opinion, you do not see
 16 any sign of voter fraud?
 17 MR. FORD: Object to form.
 18 THE WITNESS: No. Just noting that I'm
 19 not saying there isn't either. I just don't have
 20 anything in that to offer.
 21 (Exhibit 8 marked for identification.)
 22 MR. FORD: Continuing objection.
 23 BY MR. WILLIFORD:
 24 Q Can you and then turn to the -- that's
 25 fine. I've handed you what has been marked as

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1 Plaintiff's Exhibit 8.
 2 A Yes.
 3 Q Do -- as with the previous document, I
 4 understand you may not recognize this document
 5 specifically, but do you --
 6 A Yes.
 7 Q -- recognize this to be sort of the set of
 8 papers that would be submitted with an absentee
 9 ballot?
 10 A I recognize it to that same -- that level
 11 of -- yes.
 12 Q Can you turn to the last page of the
 13 exhibit and read the name under, I certify under
 14 penalty of perjury that I am registered to vote
 15 and that I am the person who is registered?
 16 A The name is Lloyd K. Moore.
 17 Q And what is the voting residence address
 18 of the voter?
 19 A 13401 Ridgehaven Road, Little Rock,
 20 Arkansas, 72211.
 21 Q And can you turn to the voter statement?
 22 A Yes.
 23 Q What is the voter's printed name?
 24 A Again, it's not perfectly legible how it's
 25 reproduced here, but it seems to be Phyllis Jane

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1 Moore.
 2 Q And what is the address under -- in Box 2?
 3 A 13401 Ridgehaven.
 4 Q Would it be -- is it consistent with the
 5 SBEC's guidance to disqualify this ballot on the
 6 basis that the names do not compare?
 7 MR. FORD: Hold on. Just so we're clear,
 8 individual?
 9 MR. WILLIFORD: Yes. The -- for each --
 10 MR. FORD: I'm really not trying to be
 11 difficult.
 12 MR. WILLIFORD: No. We just agree for
 13 each ballot packet that understanding applies.
 14 THE WITNESS: Yeah. Well, obviously, this
 15 gets to a question which you raised earlier that I
 16 earlier stated was not squarely addressed by any
 17 training that we conducted.
 18 The standard articulated in the training
 19 was -- I'll try and say it from memory, I'll get
 20 it wrong. But it was essentially the concept that
 21 the Commission has to be satisfied it's the same
 22 person.
 23 So I think this does touch on an area that
 24 in fairness to the Commission that apparently made
 25 this decision, I would we -- wasn't discussed, but

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1 could be -- it would -- it could have been counted
 2 consistent with the training for sure. I hesitate
 3 to say it conflicts with the training because of
 4 the lack of coverage of an issue such as this.
 5 But it's certainly one of those gray areas.
 6 BY MR. WILLIFORD:
 7 Q So it would be up to the county commission
 8 to make the determination about whether the name
 9 compares or not?
 10 A Yeah. And obviously, the gendering of the
 11 name does potentially create issues that weren't
 12 discussed that could have let -- I could say it
 13 could lead a commission to find that it
 14 was -- might reach that standard.
 15 Q And can you explain to me how the
 16 commission identifies the absentee ballot
 17 application that corresponds to an absentee ballot
 18 packet?
 19 A That could vary by county. The statute,
 20 as I recall, gives -- requires the clerk to
 21 organize them -- again, obviously if I state the
 22 law and I contradict the law, it's the law. I'm
 23 working from memory.
 24 They can either alphabetize them or --
 25 that may be organize them by precinct or

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1 something. Maybe they have to alphabetize them
 2 or -- or in some cases they just -- I'm sure if
 3 they were smaller numbers, go ahead and try to
 4 give them a one-to-one connection.
 5 Q Do they compare it to the name on the
 6 outside of the envelope in which the absentee
 7 ballot material -- balloting material is
 8 submitted?
 9 A I mean, really you're asking how
 10 does -- how does the county clerk conduct that
 11 function. It would -- that's a question you'd
 12 have to direct to the county clerk.
 13 (Exhibit 9 marked for identification.)
 14 MR. FORD: Continuing objection.
 15 BY MR. WILLIFORD:
 16 Q I've handed you what has been marked as
 17 Exhibit 9. Do you recognize this as papers that
 18 would be associated with an absentee ballot?
 19 A Indeed.
 20 Q Can you turn to the absentee ballot
 21 application on the last page of the exhibit?
 22 A Yes.
 23 Q Can you read the name of the
 24 printed -- above printed or typed name voter?
 25 A Phyllis Jane Moore.

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1 Q And the voting residence address of voter
 2 is 13401 Ridgehaven Road, correct?
 3 A It is.
 4 Q Can you turn to the absentee voter
 5 statement and read the voter's printed name?
 6 A Lloyd K. Moore.
 7 Q And am I correct that the voter's
 8 residential address is 13401 Ridgehaven?
 9 MR. FORD: Object to form.
 10 THE WITNESS: Indeed.
 11 BY MR. WILLIFORD:
 12 Q Would it be consistent with the SBEC's
 13 training to disqualify this ballot on the basis
 14 that these names do not compare?
 15 A As said before, it's certainly consistent
 16 to count it as -- as with that level of
 17 comparison. Obviously taken together, they paint
 18 a different picture. The -- again, I think what I
 19 said before holds if -- if you're looking in an
 20 individual sense, I think you certainly can count
 21 it based on those standards. Whether you could
 22 reject it is -- falls into the -- I mean, it's a
 23 gray area as we've already discussed.
 24 Q Can you explain what you meant -- what you
 25 meant by they -- taken together, they paint a

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1 different picture?

2 A Well, it seems plainly clear what has

3 happened in this case is somehow the voter

4 application and the voter were -- well, not mixed

5 up for lack of a better, but the one male, the

6 mister -- the Lloyd application seems to have

7 been -- if assuming, again, I -- obviously, I

8 can't authenticate these documents. But what I

9 have in front of me, there are two things. And

10 the one could -- go with the other, they would

11 both be clearly counted.

12 (Exhibit 10 marked for identification.)

13 BY MR. WILLIFORD:

14 Q Mr. Shults, I've handed you what has been

15 marked as Exhibit -- Plaintiff's Exhibit 10. Do

16 you recognize this to be papers that would be

17 associated with an absentee ballot?

18 A Indeed, yes.

19 Q Can you read the name on the last page

20 which appears to be the Arkansas application,

21 although there is a bar code that is obscuring a

22 piece of it? But you would agree with me that

23 this appears to be a copy of the Arkansas

24 application?

25 A Yes.

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1 Q And can you read the printed or typed name

2 of voter on the bottom left of the page?

3 A Gerald R. S-H-I-R-E-S, I guess. Shires.

4 Q Shires. And the address appears to be 37

5 Woodstream --

6 A Cove.

7 Q -- Court?

8 A Cove, I think, maybe. Yeah.

9 Q All right. Can you turn to the voter

10 statement? And I apologize, it appears to have

11 been printed sideways, although that appears to be

12 how it was produced in earlier litigation.

13 Can you read the voter's printed name,

14 please?

15 A Karen -- I guess that's Karen Mae Shires.

16 Q And the address is 37 Woodstream Cove,

17 correct?

18 A Yeah, it is.

19 Q And would it -- is it consistent with the

20 SBEC's guidance to disqualify this ballot on the

21 basis that these names do not compare?

22 A Let me look at the original one. Appears

23 to be first name gendering, and my prior answer

24 holds. Same issue, same -- same answer. It would

25 be consistent to count it. I don't know if I'm

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1 capable of saying it's inconsistent, but it -- it

2 would --

3 Q I believe your prior answer was that it

4 would fall into a gray area, correct?

5 A Yes. I think it's yes, a gray area.

6 Well, an area not covered -- what I meant was an

7 area not covered explicitly in the training.

8 MR. FORD: Continuing objection to this

9 and the last one as well.

10 (Exhibit 11 marked for identification.)

11 BY MR. WILLIFORD:

12 Q Mr. Shults, I've handed you what has been

13 marked as Plaintiff's Exhibit 11. Do you

14 recognize this as a copy of papers that would be

15 associated with an absentee ballot?

16 A Yes.

17 Q Can you turn to the last page and read the

18 name of the printed -- above printed or typed name

19 of voter of the application for an absentee

20 ballot?

21 A Karen M. Shires.

22 Q And the address is 37 Woodstream Cove,

23 correct?

24 A Yes, sir.

25 Q Can you turn to the voter statement,

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1 please? Can you read the name in Box 1, voter's

2 printed name?

3 A It is Gerald, that's Royce perhaps,

4 Shires.

5 Q And the address is 37 Woodstream Cove,

6 correct?

7 A Yes.

8 Q Is it consistent with the SBEC's guidance

9 to disqualify this ballot on the basis that the

10 names do not compare?

11 A Obviously, same situation, same answer as

12 prior. It is -- it would certainly be consistent

13 to count it. I'm not sure I'm prepared at this

14 moment to say it's -- but I will say what I said

15 before, it -- I think -- would be consistent to

16 count it. I'm not quite prepared to say

17 it's -- it's wrong to have rejected it, but it

18 certainly would be an issue to --

19 Q It would be an issue for the County Board

20 of Election Commissioners to decide?

21 A Yeah. Well, it would be an -- it

22 illustrates why it's important to maintain that

23 default toward counting and the discussion about

24 the --

25 Q But if the ballot were disqualified,

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1 there's nothing that either Mr. or Ms. Shires
 2 could do about it, correct?
 3 A That's correct.
 4 (Exhibit 12 marked for identification.)
 5 BY MR. WILLIFORD:
 6 Q Mr. Shults, I have handed you what has
 7 been marked as Plaintiff's Exhibit 12. Do you
 8 recognize this document to be a set of papers that
 9 would be associated with an absentee ballot?
 10 A Yes.
 11 MR. FORD: Object to form.
 12 BY MR. WILLIFORD:
 13 Q Can you please turn to the Arkansas
 14 Application for an Absentee Ballot on the last
 15 page and read the name at the bottom left corner?
 16 I believe this is -- where it would say printed
 17 name, but the -- I apologize, the copying of this
 18 document appears to have made it somewhat
 19 illegible.
 20 A Yeah, I understand.
 21 Q And you would agree that name is Pat Cox?
 22 A I would.
 23 Q And that the address is 19807 Cherrybend
 24 Drive?
 25 A Yes. Yes, I would.

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1 Q And then can you turn to the fourth page
 2 of this packet?
 3 A The fourth page?
 4 Q So the -- the docket -- the page after the
 5 voter statement?
 6 A The prior page is what you're saying, the
 7 envelope?
 8 Q No. The -- the -- sorry, it's
 9 double-sided. The one in your left hand.
 10 A Oh, you mean the two pages prior.
 11 Q I meant after the voter statement, not the
 12 application. That's fine.
 13 A Well --
 14 Q It's all good. You're where --
 15 A I'm on the one --
 16 Q You're where I need you to be.
 17 MR. MADISON: Why don't you read the top
 18 line of it, so for the record we know what page it
 19 is.
 20 MR. WILLIFORD: Well, I believe there's an
 21 identification number at the bottom which is PCEC
 22 12.15.140.
 23 THE WITNESS: That's the one.
 24 BY MR. WILLIFORD:
 25 Q Can you read the handwritten note in the

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1 upper right corner of this document?
 2 A I, Thomas E. Cox, I think is what -- Pat's
 3 husband, am including this medical document as
 4 explanation as needed as to why signature is
 5 different now as compared to her signature before
 6 per the diagnosis, which has an arrow and a circle
 7 around a box. The box says, description, late
 8 onset Alzheimer's disease with behavioral
 9 disturbance primary --
 10 Q To correct that, it says, this disease
 11 without behavioral disturbance, correct?
 12 A Yes. Apologies to whomever that is.
 13 Without, yes.
 14 Q And can you turn to the voter statement,
 15 please? And I understand that this is not a form
 16 you're currently using because it has two
 17 signature boxes on it. Can you tell me which is
 18 the signature that would be compared to the
 19 absentee application?
 20 A Well, they seem fairly similar, but
 21 the -- it would be the bottom one that would be
 22 the -- the one I'm sure they would have looked at.
 23 Q And in your opinion, does this signature
 24 compare to the signature on the absentee
 25 application?

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1 A I mean, I think it's -- again, we already
 2 said it all, but my opinion, hypothetical, one of
 3 the commissioners I'm certainly not. The Cox to
 4 me seems pretty similar. The Patricia, a little
 5 more distinct. But it's Patricia, not Pat, as it
 6 is in the other one, so there's certain
 7 explanation for that.
 8 It's kind of scribbled at the end, but on
 9 the other thing, you don't have anything to
 10 compare it to on the first one. I think I'd
 11 probably be on the fence a little bit. And if
 12 you're on the fence, you should vote to count it.
 13 Again, my opinion sitting here on a document I've
 14 never seen.
 15 Q Right. But it would, again, be up to the
 16 County Board of Election Commissioners' members to
 17 make that decision?
 18 A That's their responsibility under the law.
 19 Q And if two of them vote that the signature
 20 does not compare, the ballot would be
 21 disqualified, correct?
 22 A That is correct.
 23 Q And if the ballot is disqualified, is
 24 there anything a voter could do about that?
 25 A No. And I've already said that in theory

<p style="text-align: right;">Page 146</p> <p>1 or -- not in theory. There is a potential remedy</p> <p>2 in a challenge of the election, but that --</p> <p>3 keeping that as a --</p> <p>4 Q Well --</p> <p>5 A -- a judicial challenge.</p> <p>6 Q Does an individual voter have the ability</p> <p>7 to launch a judicial challenge the election?</p> <p>8 A I think, again, statutory -- I could be</p> <p>9 wrong, but I believe it takes 12 voters or a</p> <p>10 candidate.</p> <p>11 Q And should a county board consider the</p> <p>12 inclusion of something like -- the inclusion of</p> <p>13 this medical record?</p> <p>14 A I confess I'm not aware of a situation --</p> <p>15 I mean, obviously, these are just pieces of paper</p> <p>16 stapled together, but I don't know -- are you</p> <p>17 telling me this was included or are we just</p> <p>18 hypotheticalizing this?</p> <p>19 Q This is the condition in which the</p> <p>20 document was produced to us by Defendants.</p> <p>21 A Okay.</p> <p>22 Q And it was Bates stamped in this way, and</p> <p>23 I understand it to be ballots that were included</p> <p>24 in an election in 2020.</p> <p>25 A Okay.</p>	<p style="text-align: right;">Page 148</p> <p>1 papers that would be associated with an absentee</p> <p>2 ballot?</p> <p>3 A I -- yes. I do and I -- obviously, this</p> <p>4 will go for all of those. This is a local form</p> <p>5 used, my understanding, by Pulaski County for kind</p> <p>6 of their first review to note their thoughts. So</p> <p>7 that's what that is. But yes, the answer is yes.</p> <p>8 Q And can you please turn to the last page</p> <p>9 of this exhibit, which appears to be an Arkansas</p> <p>10 application for absentee ballot, correct?</p> <p>11 A Yes. By the text it is.</p> <p>12 Q And can you read the address typed under</p> <p>13 the voter's printed or typed name?</p> <p>14 A Typed address at the bottom is 4 -- or</p> <p>15 14209 Longtree Drive.</p> <p>16 Q And the city or town, state, and ZIP code?</p> <p>17 A Little Rock, Arkansas 72212.</p> <p>18 Q Can you please turn to the voter</p> <p>19 statement? Can you read the address, city, state,</p> <p>20 and ZIP code in Box 2, please?</p> <p>21 A Is 14 -- I guess that's a -- I think 309.</p> <p>22 It's kind of hard to read, Longtree Drive.</p> <p>23 Q Well, if you --</p> <p>24 A Or maybe that's a two.</p> <p>25 Q If you turn back to the absentee ballot</p>
<p style="text-align: right;">Page 147</p> <p>1 Q So --</p> <p>2 A Well --</p> <p>3 Q So I understand your reservation, right,</p> <p>4 that you do not have the originals in front of</p> <p>5 you.</p> <p>6 A And we weren't a party to whatever</p> <p>7 litigation this was, clearly, or at least I can't</p> <p>8 imagine how we would have been. But to the best</p> <p>9 of my recollection, I don't know that we've</p> <p>10 covered what would you do in the event of</p> <p>11 extraneous documents being included.</p> <p>12 Q Would the commission have the discretion</p> <p>13 to ignore the extraneous document?</p> <p>14 A Well, they wouldn't be required to</p> <p>15 consider it so I suppose that equals a yes. I</p> <p>16 think, in fact, it would be hard to imagine it</p> <p>17 wouldn't get considered in practice, but --</p> <p>18 Q You -- they're not required to consider</p> <p>19 it, correct?</p> <p>20 A Well, there's no statutory requirement.</p> <p>21 (Exhibit 13 marked for identification.)</p> <p>22 BY MR. WILLIFORD:</p> <p>23 Q Mr. Shults, I've handed you what has been</p> <p>24 marked as Plaintiff's Exhibit 13. Do you</p> <p>25 recognize this document to contain copies of</p>	<p style="text-align: right;">Page 149</p> <p>1 application, I think you'll see that -- I believe</p> <p>2 the 2s are written with that little loop, correct?</p> <p>3 But I acknowledge that the copying of the voter</p> <p>4 statement --</p> <p>5 A It appears to be the same numbers as on</p> <p>6 the application. I think that's the point we're</p> <p>7 driving at.</p> <p>8 Q Right. Right. But again, acknowledging</p> <p>9 that this is the condition I think in which all</p> <p>10 the parties received this document --</p> <p>11 A Indeed.</p> <p>12 Q -- I understand the difficulty. And can</p> <p>13 you read the city, state, and ZIP code, please?</p> <p>14 A It's Little Rock. And then it says MA,</p> <p>15 I'm not -- the best of my recollection, that's not</p> <p>16 a United States postal abbreviation for a state,</p> <p>17 but maybe it's Massachusetts or something. I</p> <p>18 don't know. You're --</p> <p>19 Q I will represent to you that it is</p> <p>20 Massachusetts --</p> <p>21 A All right.</p> <p>22 Q -- as the east coast resident in the room.</p> <p>23 A It looks funny to me but I don't send</p> <p>24 letters to Massachusetts. It's a ZIP code, 02645.</p> <p>25 Obviously, that is not -- I assume that would</p>

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1 probably have been a Massachusetts ZIP code, not
 2 an Arkansas ZIP code.
 3 Q Is it consistent with the SBEC's guidance
 4 and training to disqualify this ballot on the
 5 basis that the address on the voter statement and
 6 the application do not compare?
 7 A I mean, obviously, there's a -- there's a
 8 reason. There's not just a list of answers to
 9 this. I think what I'm no doubt is -- I mean, I
 10 think it could be counted legitimately, but I -- I
 11 do see the argument the other way.
 12 Q And so that would be a decision to be made
 13 by the County Board of Election Commissioners?
 14 A Yeah. I mean, the -- I say close --
 15 obviously, an entirely different state and ZIP
 16 code does raise a more distinct issue than some of
 17 the other things we looked at.
 18 Q In your opinion, does the inclusion of a
 19 different state and ZIP code, like MA and 02645
 20 here, indicate potential voter fraud?
 21 MR. FORD: Object to form. Calls for
 22 speculation.
 23 THE WITNESS: It's impossible to know.
 24 There could be many explanations for what you find
 25 on a -- on a cold sheet of paper. However, it

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1 does indicate, or at least suggest, a failure to
 2 correctly articulate the registered address of the
 3 voter.
 4 So I mean, it -- it could be read as such.
 5 Put it a different way, the part of the
 6 test -- part of the thing that this process seeks
 7 to accomplish is -- part of the way this checks
 8 for election integrity is the voter is aware
 9 whether they're registered to vote. This calls
 10 that into question.
 11 (Exhibit 14 marked for identification.)
 12 BY MR. WILLIFORD:
 13 Q Mr. Shults, I've handed you what has been
 14 marked as Plaintiff's Exhibit 14. Do you
 15 recognize this document to contain papers that
 16 would be associated with an absentee ballot?
 17 A Yes.
 18 Q Can you turn to the Arkansas Application
 19 for Absentee Ballot on the last page?
 20 A Yes.
 21 Q Can you read the name above printed or
 22 typed name of voter?
 23 A First name is Nicholas. Second name
 24 appears to be D-E-L-A-C-E-R-D-A perhaps. I'm not
 25 quite sure.

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1 Q I think that is correct. If you turn
 2 to --
 3 A Driver's license.
 4 Q -- the prior page with the voting -- the
 5 envelope, you can read the label at the --
 6 A I'm not sure how to pronounce that name.
 7 Q I am not either.
 8 A Okay.
 9 Q Can you read the date of birth of the
 10 voter?
 11 A Date of birth is 9-13-2020.
 12 Q Can you turn to the voter statement and
 13 read the voter's date of birth in Box 3?
 14 A September 13th, 2000.
 15 Q Okay. Would it -- is it consistent with
 16 the SBEC's training to disqualify this ballot on
 17 the basis that the date of birth does not
 18 match -- or does not compare? I am so sorry.
 19 A The years are distinct, so I -- I
 20 don't -- yeah. I believe it's consistent.
 21 Q Turning back to the absentee application,
 22 do you see where it says, received, or there's a
 23 stamp that appears to say, received
 24 September 29th, 2020?
 25 A I do.

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1 Q And you would agree with me that if the
 2 voter's date of birth were September 13th, 2020,
 3 that would mean that the voter was 16 days old
 4 when the voter submitted this application?
 5 A Yes. Well, obviously not the voter in
 6 that case, but yes.
 7 Q Well, I mean --
 8 A Yeah. That is dated 16 days prior to when
 9 it was received.
 10 Q So you would agree with me that it is more
 11 likely than not that this is an error in which the
 12 voter wrote the year in which he was dated -- in
 13 which he was filling out the form, rather than the
 14 birth year?
 15 A I'll agree with you that is a possible
 16 explanation.
 17 Q All right. And would the -- does the
 18 inclusion of a date of birth that is 16 days prior
 19 to the submission of the application form suggest
 20 voter fraud to you?
 21 A Well --
 22 MR. FORD: Same objection, calls for
 23 speculation.
 24 THE WITNESS: It does suggest one of two
 25 possibilities, well at least two. One is the

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1 voter doesn't know the correct date of birth. The
 2 other is -- at least one other is what you
 3 suggested, that it was the day it was done. Of
 4 course, if he didn't know date of birth, doing it
 5 the date it was done would be an obvious way to
 6 conceal that fact with an innocent-looking
 7 explanation.
 8 So again, as I said earlier, the task is
 9 not to know absolute truth. The task is to
 10 fulfill the statutory responsibility. More can be
 11 said about that.
 12 BY MR. WILLIFORD:
 13 Q And in this case, the application -- the
 14 voter would have received the absentee ballot and
 15 voter statement after submitting the application
 16 for the absentee ballot, correct?
 17 A You would submit the application which
 18 would cause you to receive the ballot. Yes.
 19 Q So the voter would be -- would understand
 20 at that time that the Arkansas Application for
 21 Absentee Ballot had been approved, correct?
 22 MR. FORD: Object to form.
 23 THE WITNESS: It seems like a logic --
 24 yes. I mean, a necessary conclusion, sure.
 25 BY MR. WILLIFORD:

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1 Q And in approving the application for an
 2 absentee ballot, does the county check the voter's
 3 identifying information?
 4 A Yes. Different official -- of course, the
 5 county clerk is responsible for that review but
 6 there is a -- a requirement to review that
 7 information and with the county clerk. But yes,
 8 the same data points.
 9 (Exhibit 15 marked for identification.)
 10 BY MR. WILLIFORD:
 11 Q Mr. Shults, I've handed you what has been
 12 marked as Plaintiffs Exhibit 15. Do you recognize
 13 this document to contain papers that would be
 14 associated with an absentee ballot?
 15 A I do.
 16 Q And can you turn to the last page which
 17 appears to be an Arkansas Application for Absentee
 18 Ballot and read the date of birth of the voter?
 19 A I'm there. Read the date of birth.
 20 Sorry. November -- well 11-1-1938.
 21 Q And can you then turn to the voter
 22 statement and read the voter's date of birth?
 23 A November 1st, 2020.
 24 Q Is it consistent with the SBEC's guidance
 25 and training to disqualify this ballot on the

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1 basis that the voter's date of birth does not
 2 compare?
 3 A It would describe a different year, so I
 4 would have to say it's consistent.
 5 Q And you would agree with me that a date of
 6 birth of November 1st, 2020, before the general
 7 election on November 3rd, 2020, would mean that
 8 the voter was two years old -- or two days old at
 9 the time of the general election?
 10 A Clearly not a voter or not a qualified
 11 elector, I would say.
 12 Q Yes.
 13 A And --
 14 (Exhibit 16 marked for identification.)
 15 BY MR. WILLIFORD:
 16 Q Mr. Shults, I've handed you what has been
 17 marked as Plaintiff's Exhibit 16. Do you
 18 recognize this document to contain papers that
 19 would be associated with an absentee ballot?
 20 A I do.
 21 Q Can you read the printed or typed name of
 22 the voter at the bottom of the last page, which is
 23 the Arkansas Application for Absentee Ballot?
 24 A Mary S. Hawks.
 25 Q And can you read the date of birth of the

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1 voter?
 2 A 5-17-45.
 3 Q 1945 to be specific, correct?
 4 A Yes.
 5 Q Can you turn to the voter statement? And
 6 can you read the voter's date of birth?
 7 A Appears -- certainly May, probably
 8 13 -- no year -- maybe. I don't know. I'm not
 9 quite sure about that, and no year mentioned. No
 10 year as provided.
 11 Q If you compare the day in Box 3 to the day
 12 on the application ballot, would you agree with me
 13 that that appears to be probably a seven?
 14 A Could be a seven. Sure.
 15 Q Is it consistent with the SBEC's guidance
 16 and training to disqualify this ballot on the
 17 basis that the date of birth does not compare?
 18 A Yeah. It would be consistent to -- to --
 19 for the date of birth comparison to require the
 20 date of birth to describe the month, day, and year
 21 in which the person was born. Apparently this was
 22 not done here.
 23 Q And do you see any other discrepancies
 24 between the voter statement and the absentee
 25 ballot application?

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1 A Obviously, I haven't reviewed it. Well, I
 2 do note that the middle initial S, which I -- is
 3 then Katherine on the voter statement, which is
 4 distinct. I believe that's an S.
 5 Q It is difficult to tell, correct?
 6 A It looks like an S in the original
 7 signature, and it is Katherine in the second
 8 signature. That's probably legibility issue, but
 9 the -- yeah. It's legibility issue, so...
 10 Q And --
 11 A But the remainder of the signature doesn't
 12 seem especially inconsistent, so...
 13 Q Do you provide any training on how to
 14 handle legibility issues?
 15 MR. FORD: Object to form. One second.
 16 So --
 17 MR. WILLIFORD: I'm sorry I guess --
 18 MR. FORD: This is where we're getting
 19 confusing so --
 20 MR. WILLIFORD: Right.
 21 THE WITNESS: Yeah.
 22 BY MR. WILLIFORD:
 23 Q Let me ask it this way. Does the SBEC
 24 provide any training on how to handle legibility
 25 issues?

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1 A 12(b)(6) hat. Well, yes, it's definitely
 2 part of the discussion. I mean, there is
 3 certainly a degree to which you have to be able to
 4 read something in order for it to have any
 5 meaningful utility. So if it were blank, I don't
 6 know -- but so for instance we do say that -- say,
 7 for instance, the -- of course, this -- again,
 8 this is a different form. It looks like they took
 9 a draft of something we ultimately adopted and
 10 used it prior to its adoption or something to that
 11 effect.
 12 But say Box 1 was blank and the signature,
 13 as in this case, is legible unlike say my
 14 signature, for instance, which does not use a lot
 15 of English characters, you wouldn't reject that
 16 because there -- lit doesn't matter -- the fact
 17 that it's not in box one is not important. If you
 18 can read the name and the signature blank, then
 19 just compare the name and the name is there and
 20 the --
 21 So we certainly talk about that. And
 22 as -- as we discussed earlier when looking at
 23 things outside the signature, you do not take into
 24 consideration the -- the style of writing. Like
 25 no problem that this is typed, for instance. Of

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1 course, the opposite of legibility issue.
 2 The overarching concept that we do try to
 3 stress is deference to the voter. So say for
 4 instance like -- here's a good example. Seven --
 5 like, that ZIP code is kind of squirrely, but
 6 it's -- it's very plausibly read as 72211 which I
 7 think is what compares. And you would -- you
 8 would give the deference of that legibility issue
 9 to the voter.
 10 (Exhibit 17 marked for identification.)
 11 BY MR. WILLIFORD:
 12 Q Mr. Shults, I've handed you what's been
 13 marked as Plaintiff's 17. Do you recognize this
 14 document to contain papers that would be
 15 associated with an absentee ballot?
 16 A I do.
 17 Q And can you turn to the Arkansas
 18 Application for Absentee Ballot on the last page?
 19 A Yes.
 20 Q And can you read the name and the date of
 21 birth of the voter?
 22 A Julian Hernandez. Date of birth is
 23 4-17-1970.
 24 Q And can you turn to the voter statement
 25 and read the name and date of birth of the voter?

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1 A Name and date of birth appears to be the
 2 same, Julian Hernandez, or same name, and the date
 3 of birth is 4-17-1977.
 4 Q Is it consistent with the SBEC's training
 5 and guidance to disqualify this ballot on the
 6 basis that the voter's date of birth does not
 7 compare?
 8 A It would not be inconsistent, given the
 9 discrepancy as to the year.
 10 MR. FORD: Just so we're clear that last
 11 question, individual?
 12 MR. WILLIFORD: Yes.
 13 MR. FORD: Just because we're switching
 14 back.
 15 MR. WILLIFORD: Yes.
 16 MR. FORD: That's the only reason I bring
 17 it up.
 18 MR. WILLIFORD: Yeah. I appreciate the
 19 clarification.
 20 (Exhibit 18 marked for identification.)
 21 BY MR. WILLIFORD:
 22 Q Mr. Shults, I've handed you what's been
 23 marked as Plaintiff's Exhibit 18. Do you
 24 recognize this document to contain papers that
 25 would be associated with an absentee ballot?

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1 A Yes. Yes.
 2 Q And can you turn to the Arkansas
 3 Application for Absentee Ballot on the last page
 4 and read the name of the voter and date of birth
 5 of the voter?
 6 A Name and date of birth is Robert Eugene
 7 Dennis, and the date of birth is listed as 1961.
 8 Q And can you please turn to the absentee
 9 ballot statement and read the name and date of
 10 birth of the voter?
 11 A Robert Eugene Davis and October 1st, 1961.
 12 Q I'm sorry, can you say that --
 13 A I'm sorry, October 1st, 1961, is what I
 14 perceive that to be.
 15 Q No, no. I'm sorry, I just meant I believe
 16 the name was Dennis not Davis.
 17 A What did I say? Davis? That's correct.
 18 Q Okay. And --
 19 A The names are the same.
 20 Q Is consistent with the SBEC's guidance and
 21 training to disqualify this ballot on the basis
 22 that the voter's date of birth does not compare?
 23 A Does present slightly different question.
 24 I'm not sure I would be prepared to say it's
 25 inconsistent.

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1 Q Why do you say it presents a slightly
 2 different question?
 3 A Well, it compare -- I mean, I don't know
 4 if it really does. Perhaps it doesn't. In this
 5 case, the voter only provided the year of the date
 6 of birth on the application.
 7 Q And at the time --
 8 A And I guess really that's not a different
 9 question. It's just omission of the month and the
 10 year, so I don't think if there's a distinction in
 11 reality from the others.
 12 Q Right. Well, at the time the voter
 13 received the absentee ballot, the county clerk had
 14 already approved the application, correct?
 15 A That's correct. Yes.
 16 Q So the county clerk had already approved
 17 the application despite the omission of the month
 18 and day of birth -- the month and day in the date
 19 of birth, correct?
 20 A That is correct.
 21 Q So the voter at this time would not have
 22 known that there was an inconsistency, correct?
 23 A That is correct.
 24 (Exhibit 19 marked for identification.)
 25 BY MR. WILLIFORD:

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1 Q Mr. Shults, I've handed you what has been
 2 marked Plaintiff's Exhibit 19. Do you recognize
 3 this document to contain papers that would be
 4 associated with an absentee ballot?
 5 A I do.
 6 Q Can you read the name of the voter on the
 7 last page of the exhibit?
 8 A Vivian D. Gould.
 9 Q And on this application for an absentee
 10 ballot, is there a date of birth?
 11 A No. Date of birth is blank.
 12 Q Can you turn to the voter statement which
 13 is, I believe, on page 4 of this packet, and read
 14 the voter's printed name and date of birth?
 15 A Printed name is Vivian Davis Gould. Date
 16 of birth is 3-26-1949.
 17 Q Is it consistent with the SBEC's training
 18 and guidance to disqualify this ballot on the
 19 basis that the date of birth does not compare?
 20 A Date of birth is absent from one of the
 21 documents. So yes, that would be consistent that
 22 it does not compare.
 23 Q And the date of birth is absent from the
 24 application which appears to have been approved
 25 because the voter received an absentee ballot,

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1 correct?
 2 A That is correct.
 3 MR. WILLIFORD: Just a couple more minutes
 4 and we'll take --
 5 MR. FORD: Sure.
 6 THE WITNESS: I see the folder's
 7 dwindling.
 8 (Exhibit 20 marked for identification.)
 9 BY MR. WILLIFORD:
 10 Q Mr. Shults, I've handed you what has been
 11 marked Plaintiff's Exhibit 20. Do you recognize
 12 the document to contain papers that would be
 13 associated with an absentee ballot?
 14 A I do.
 15 Q Can you please turn to the Arkansas
 16 Application for Absentee Ballot which appears to
 17 be the fifth page of this document?
 18 A I'm there.
 19 Q Can you read the voter's printed or typed
 20 name?
 21 A Well, it's printed. It's Docia,
 22 D-O-C-I-A, Jones.
 23 Q And can you read the address -- voting
 24 residence address of voter below that name?
 25 A It says 1222 Eagle Point Road. And then

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1 it has just the postal abbreviation for Arkansas
 2 on the following line.
 3 Q And can you read the address under where
 4 it says -- where there's a box checked, mail, I
 5 request that you mail my ballot to the following
 6 address?
 7 A 1222 Eagle Road, Little Rock, Arkansas, no
 8 ZIP code.
 9 Q And can you turn to the previous page
 10 which appears -- am I correct that this is a copy
 11 of the cover of an envelope in which a voter would
 12 turn --
 13 A Hold on, I'm not looking --
 14 Q Oh, I'm sorry.
 15 A I got it.
 16 Q That's fine.
 17 A I'm there.
 18 Q Okay. So on this page which is marked
 19 PCEC 12.15.925, does this page appear to be a copy
 20 of the front side of an envelope in which a voter
 21 would return her absentee ballot materials?
 22 A I believe so. Yes.
 23 Q Yes. And on the upper left-hand corner
 24 under where it says name and complete address, it
 25 appears -- am I correct that this appears to be a

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1 label -- a preprinted label bearing the voter's
 2 name and address?
 3 A That's right.
 4 Q Does the county clerk prepare that label?
 5 A Yes.
 6 Q Can you read the voter's name and address?
 7 A 1222 -- one -- 1222 -- 1222 Eagle Point
 8 Road, Little Rock, Arkansas 72211.
 9 Q And the name is the same as the
 10 application, correct?
 11 A That's correct, Docia Jones.
 12 Q Can you turn to the voter statement? Can
 13 you read the voter's printed name, street address,
 14 city, state, and ZIP code.
 15 A Docia Dell Jones, 1222 Eagle Pointe Road,
 16 Little Rock, Arkansas 72211, date of birth
 17 December 27th, 1947.
 18 Q Is it consistent with the SBEC's training
 19 and guidance to disqualify this ballot on the
 20 basis that the addresses do not compare?
 21 A Of course it's kind of two questions.
 22 One, is it clearly contradictory; and two, is
 23 it -- I hesitate to be prepared to say it's
 24 clearly contradictory. I don't -- I do think that
 25 it would have been -- really, if you put it

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1 together, the only thing missing is the ZIP code.
 2 I don't know that you can count the fact that the
 3 computer gave the right ZIP code because that's
 4 not a piece of it that you're to refer to.
 5 But I tend to think that I would -- again,
 6 were all these where I would have my personal
 7 opinion, not a statement of law of the agency.
 8 But this one, I think, probably I would count.
 9 Q And if a county board decided to
 10 disqualify that ballot, is that in their
 11 discretion?
 12 A Implicitly that's a question of law so I
 13 can't definitively answer it.
 14 (Exhibit 21 marked for identification.)
 15 BY MR. WILLIFORD:
 16 Q Mr. Shults, I've handed you what's been
 17 marked Plaintiff's Exhibit 21. Do you recognize
 18 this document to contain papers associated with an
 19 absentee ballot?
 20 A I do.
 21 Q Can you turn to the Arkansas Application
 22 for Absentee Ballot on the last page of the
 23 exhibit and read the printed or typed name of
 24 voter and the -- in the bottom left-hand side
 25 corner?

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1 A You said just the name?
 2 Q Yes.
 3 A Susan M. Peterson.
 4 Q If I can just correct the record, I
 5 believe it says --
 6 A Or sue. Yeah.
 7 Q Thank you.
 8 A I added it in. Sorry.
 9 Q Can you read what -- what is written above
 10 date of birth of the voter?
 11 A 1 Cherry Street -- Cherry Shade Street --
 12 well, actually, that's probable CT. That's Court
 13 or something. But one -- the same information
 14 that's provided in the address line of the voting
 15 address.
 16 Q And so it appears that the voter handwrote
 17 her address underneath her signature, correct?
 18 A Yes. It is what it appears.
 19 Q And the --
 20 A Mirrored the information.
 21 Q Can you turn to the voter statement on the
 22 third page of this exhibit? Can you read the
 23 voter's printed name, residential address, and
 24 date of birth, please?
 25 A Printed name is Sue M. Pierce -- Peterson.

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1 One -- date of birth is March 2nd, 1941.
 2 Q And the address is the same address that
 3 appears in the -- on the application for absentee
 4 ballot, correct?
 5 A It is.
 6 Q Is it consistent with the SBEC's training
 7 and guidance to disqualify this ballot on the
 8 basis that the voter's name and date of birth does
 9 not compare?
 10 A It's consistent in that there's no date of
 11 birth to compare it to; therefore, it doesn't
 12 compare.
 13 Q And at the time that the voter filled out
 14 the voter statement, the application for absentee
 15 ballot had presumably already been approved,
 16 correct?
 17 A I mean, this is obviously true for all of
 18 them. If this is the application that ultimately
 19 served the basis of the ballot being sent, yes.
 20 But an application had been approved.
 21 (Exhibit 22 marked for identification.)
 22 BY MR. WILLIFORD:
 23 Q Mr. Shults, I've handed you what has been
 24 marked as Plaintiff's Exhibit 22. Do you
 25 recognize this document to contain papers that

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1 would be associated with an absentee ballot?
 2 A I do.
 3 Q Can you please turn to the Arkansas
 4 Application for Absentee Ballot?
 5 A Yes.
 6 Q Am I correct that it appears that the
 7 voter typed the information on the Arkansas
 8 Application for Absentee Ballot?
 9 A Are you suggesting that the signature is
 10 typed as well? Are you talking about --
 11 Q You are getting ahead of me, but do you
 12 believe that the signature --
 13 A Well, you said information. I wasn't sure
 14 if you were drawing a distinction --
 15 Q Yeah, the information. But do you believe
 16 the signature --
 17 A Well, certainly the other information was
 18 typed. I wouldn't be prepared to say whether the
 19 signature was typed. I was just trying to get
 20 clarity in your question.
 21 Q I see.
 22 A I think not, but --
 23 Q Well, if you compare the E in the first
 24 name and the E in the last name, does that appear
 25 to be identical enough to be a font?

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1 A From my -- my instinct is no, but I don't
 2 know if there's enough saying -- it's obviously
 3 not a perfect rendering of the type, so I mean,
 4 if -- my opinion is that's probably handwritten
 5 but I -- it is very good penmanship, if it is.
 6 Q So is it possible that that is an
 7 electronic signature on --
 8 A I couldn't that it is impossible.
 9 Q Okay. And voters can submit the Arkansas
 10 Application for Absentee Ballot electronically,
 11 correct?
 12 A Well, they can -- can be submitted
 13 electronically, but it would still need to be a
 14 facsimile of their signature.
 15 Q Does the Arkansas Application for Absentee
 16 Ballot tell the voter that the signature needs to
 17 be a facsimile of their handwritten signature?
 18 A Well, in -- I believe it arguably does in
 19 that it requires a signature. An electronic
 20 signature is a distinct thing, if I'm -- not just
 21 a signature. But I mean, what it says is
 22 signature of voter. It doesn't discuss that
 23 topic.
 24 Q And you would agree with me that a
 25 signature written on a PDF is legally binding,

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1 correct?
 2 A That all depends on the context.
 3 MR. FORD: Object to form.
 4 BY MR. WILLIFORD:
 5 Q If a voter submitted a PDF of an Arkansas
 6 Application for Absentee Ballot in which they
 7 executed the signature electronically, that would
 8 still be legally binding for the purposes of the
 9 preceding statements, correct?
 10 A The clerk would have to reach the
 11 determination that the signature -- it's different
 12 sections, so I hesitate to say what it's compared
 13 out of memory. But the clerk has their own review
 14 and agreement of the -- of the style of the
 15 signature between the application and the voter
 16 registration record is part of the clerk's review.
 17 Now, there is more protection in that
 18 review because that review is -- that's dealing
 19 with older signature obviously. So if there -- I
 20 know it refers to this in the pleadings, but if
 21 that application is rejected due to signature,
 22 there is a requirement that the clerk reach out
 23 through a cure process to inform the voter the
 24 application was -- and obviously implicitly ask,
 25 did you -- did you apply.

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1 And so that is a -- that is -- the -- the
 2 clerk would have had to make a determination this
 3 signature is -- again, I'm not sure compares is
 4 exactly the right word, different process. But
 5 this has an agreement in form to the signature on
 6 file.
 7 Q As part of the cure process, does the
 8 voter submit a new absentee ballot application, or
 9 does the clerk determine to go ahead with the
 10 existing application? Well, I'm sorry, I
 11 should --
 12 Does the voter submit a new absentee
 13 ballot application following communication in the
 14 cure process?
 15 A That -- my understanding is yes, but
 16 that's a process that's outside the scope of -- of
 17 what our agency deals with. That's the clerk --
 18 clerk stuff. That's beyond the -- the realm of
 19 that, so I don't have quite the same level of
 20 recall of what the process is.
 21 Q So it is possible that the county clerk
 22 proceeds with the same absentee ballot application
 23 after verifying the voter's identity through the
 24 cure process?
 25 A I don't think so. But that's, again,

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1 fundamentally a question of what does the law
 2 require.
 3 Q Can you turn to the voter statement in
 4 this packet? And can you read the voter's printed
 5 name?
 6 A Printed name is Greta Michael.
 7 Q And this appears to be handwritten,
 8 correct?
 9 A It is handwritten, yes. Or it appears to
 10 be handwritten, yes.
 11 Q And that is the same name that appears on
 12 the application for absentee ballot, correct?
 13 A It does.
 14 Q And the -- the address appears to be the
 15 same address on the voter statement and
 16 application, correct?
 17 A It does.
 18 Q And the date of birth appears to be the
 19 same on both documents, correct?
 20 A It does.
 21 Q Can you -- do the signatures on these two
 22 documents compare in your opinion?
 23 A Necessarily -- again, I'm reticent to give
 24 an unqualified yes or no, but if there's ever an
 25 unqualified no, this is it. They are distinct in

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1 almost every way.
 2 (Exhibit 23 marked for identification.)
 3 BY MR. WILLIFORD:
 4 Q Mr. Shults, I've handed you what has been
 5 marked Plaintiff's Exhibit 23. Do you recognize
 6 this document to contain the papers that would be
 7 associated with an absentee ballot?
 8 A I do.
 9 Q And if you turn to the application for
 10 absentee ballot on the last page, do you agree
 11 that it appears that the voter typed the
 12 information under the mailing address?
 13 A All the information other than the
 14 signature appear to be typed.
 15 Q And it appears, in fact, that the
 16 checkmarks --
 17 A Are digitally rendered somehow, yeah.
 18 Q Thank you. Can you turn to the voter
 19 statement?
 20 A Yes.
 21 Q Is the name of the voter on the voter
 22 statement the same as the name of the voter on the
 23 absentee ballot?
 24 A Appears to be.
 25 Q And does the address on the voter

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1 statement compare to the address on the absentee
 2 ballot application?
 3 A Yes. Appears to be.
 4 Q And does the voter's date of birth on the
 5 voter statement compare to the absentee ballot
 6 application?
 7 A Yes. Appears to be.
 8 Q Does the signature on the voter statement
 9 compare to the signature on the absentee ballot
 10 application?
 11 A They're -- they're -- I mean, obviously,
 12 we're not dealing with original documents so there
 13 is some obscuring -- but there are many -- there
 14 is several reasons you would consider that
 15 distinct. And in fact, it doesn't bear a lot of
 16 similarity at all to the one on the voter
 17 statement, or the application. They don't -- my
 18 opinion, they would not compare.
 19 Q And does this -- does your answer take
 20 into account the training provided to county
 21 officials regarding electronic signatures?
 22 A Well, it does. And again, if this were a
 23 real ballot, I would probably spend more time than
 24 I just did, obviously. But the -- I struggle to
 25 find anything that even looks -- that I can

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1 connect as -- as in any way similar between the
 2 two.
 3 Q And if you were to take more time with the
 4 ballot, how much more time would you take?
 5 A Well, I mean more time --
 6 MR. FORD: Object to form.
 7 THE WITNESS: Sorry.
 8 MR. FORD: You're good. Object to form.
 9 Go ahead.
 10 THE WITNESS: Well, let's just take the
 11 time. Again, I think we're at a little
 12 disadvantage because this application has been --
 13 I suspect the original was a little bit better
 14 quality.
 15 That being said, obviously, we're not
 16 comparing letters. Maybe that's the simplest way
 17 to put it. This original signature has -- if not
 18 clearly identifiable letters, then clearly
 19 identifiable marks that -- that are standing for
 20 letters, some As and Es can be identified. On
 21 this one it is literally a few vertical swirls and
 22 few and then a back and forth horizontally.
 23 That's acceptable, of course, but it's just
 24 the -- the markings just don't bear relationship
 25 that can be identified. It's acceptable if their

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1 relationship can be identified.
 2 MR. WILLIFORD: I think it's a good time
 3 for a break.
 4 THE VIDEOGRAPHER: We are off the record
 5 at 2:27 p.m.
 6 (Whereupon a break was had.)
 7 THE VIDEOGRAPHER: We are back on the
 8 record at 2:45 p.m.
 9 BY MR. WILLIFORD:
 10 Q Mr. Shults, has the disqualification of a
 11 ballot on the basis that the name on the absentee
 12 ballot application and the name on the voter
 13 statement do not compare ever led to the discovery
 14 of voter fraud?
 15 MR. FORD: Which capacity? I'm sorry.
 16 MR. WILLIFORD: I think we are now back to
 17 the 30(b)(6) capacity.
 18 MR. FORD: Okay.
 19 THE WITNESS: Ask that one more time, if
 20 you don't mind.
 21 BY MR. WILLIFORD:
 22 Q Has the disqualification of a ballot on
 23 the basis that the name on the absentee
 24 application and the name on the voter statement do
 25 not compare led to the discovery of voter fraud?

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1 A Not -- led to the discovery, not that I am
 2 aware of or the best of my understanding of it the
 3 agency has record of.
 4 Q Has the disqualification of a ballot on
 5 the basis that the address on an absentee ballot
 6 application and the address on a voter statement
 7 do not compare ever led to the discovery of voter
 8 fraud?
 9 A I think there are instances of -- of
 10 potential voter fraud that have been where the
 11 address is a part of the thought. I don't know
 12 what exactly -- what was caused or what was
 13 discovered as effect. That may be a little
 14 blurry. But obviously, there have been instances
 15 on investigation where voter fraud is alleged and
 16 the -- the address, I think, probably at issue. I
 17 don't want to under-include on my answer and just
 18 say no.
 19 That -- obviously, if an address -- I
 20 guess it depends on how narrowly you contemplate
 21 the question, if that makes sense. There is
 22 instances of voter fraud, some being investigated,
 23 where -- where the ballot is sent. I don't know
 24 that this particular analysis was determinative,
 25 but it had the potential to play into.

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1 So I think the answer is still no in a
 2 very narrow sense, but yes in a broader sense, a
 3 broader sense being the addresses and their
 4 accuracy is -- is something that has been analyzed
 5 in the context of investigating potential voter
 6 fraud.
 7 Q But sitting here today, there's not an
 8 example of confirmed voter fraud that was
 9 discovered based on an address on an absentee
 10 ballot application and a voter statement not
 11 comparing?
 12 A If that was, like, the initiating
 13 instance, not that this agency has been aware of.
 14 And keeping in mind, of course, the agency isn't
 15 directly participant in those processes.
 16 Q Right. I understand that you are here in
 17 your representative capacities.
 18 Has the disqualification of a ballot on
 19 the basis that the date of birth on the absentee
 20 ballot application and the date of birth on the
 21 voter statement do not compare ever led to
 22 discovery of voter fraud?
 23 A Essentially the same answer. I could --
 24 an instance comes to mind that recently was
 25 reviewed where an application was filed for a

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1 person who was later determined to be deceased.
 2 That did not progress to the point where the
 3 ballot was returned, so I can't -- I don't know.
 4 In the narrow sense, I think the answer may be no,
 5 but as far as the CBEC process leading to the SBEC
 6 being involved in the -- in an investigation
 7 related to that, not an instance which comes to
 8 mind but in a --
 9 Q And that --
 10 A -- general sense --
 11 Q -- instance did not involve
 12 disqualification of the ballot, to be fair?
 13 A Well, the ballot -- in that instance, the
 14 application wasn't fulfilled.
 15 Q Right. So there was no ballot to be
 16 disqualified, correct?
 17 A That's correct. In that particular
 18 instance. There is --
 19 Q And so it did not involve the comparison
 20 of the information of the voter statement and
 21 information on an absentee ballot application,
 22 correct?
 23 A It is -- that is correct. There is
 24 another instance that is less developed where
 25 that -- that question is essentially being

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1 answered. It's not -- I can't say at this point
 2 yes, but there's the potential for a yes in
 3 another current investigation.
 4 Q Can you explain how the SBEC became aware
 5 of that?
 6 A Complaint.
 7 Q Okay. And was the complaint filed by a
 8 member of the public?
 9 A I believe a candidate.
 10 Q And --
 11 A And perhaps also a member of the public or
 12 two additional, but the core one was a candidate.
 13 Q And your testimony is that the SBEC is
 14 currently investigating that complaint?
 15 A That's correct.
 16 Q Has the disqualification of a ballot on
 17 the basis that the signature on the absentee
 18 ballot application and the signature on the
 19 volunteer statement do not compare ever led to the
 20 discovery of voter fraud?
 21 A The same instance comes to mind, the same
 22 answers. Again, in the second one, the ballots
 23 were fulfilled and were returned in some cases.
 24 Allegedly, there's -- there's certainly indicia of
 25 fraud, to borrow your word. Whether that -- we're

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1 in the process of compiling documents to make
 2 those determinations.
 3 Q Can we go back to Plaintiff's Exhibit 3
 4 which is the County Board of Election
 5 Commissioners procedures manual.
 6 A It's probably about the only thing in this
 7 pile I could find easily.
 8 Q And Mr. Shults, could you please turn to
 9 page 112?
 10 A Yes.
 11 Q And do you see where it says provisional
 12 ballots towards the bottom of the page?
 13 A That's correct. Yes.
 14 Q And then under that, it reads, referral to
 15 prosecuting attorney, correct?
 16 A Oh, yes. Yes.
 17 Q And following that, it reads, when
 18 examining provisional ballots before certification
 19 of the results of the election, if the County
 20 Board of Election Commissioners suspects that a
 21 violation of election laws has occurred, the
 22 county board may refer the matter to the
 23 prosecuting attorney, correct?
 24 A That's correct.
 25 Q And this refers to -- the provisional

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1 ballots discussed here include ballots made
 2 provisional due to the lack of identification
 3 document included with an absentee ballot?
 4 A That's correct.
 5 Q And these would be ballots that those
 6 voters would have the opportunity to cure by the
 7 Monday after election day, correct?
 8 A Yes.
 9 Q I am finished with that document.
 10 Can you -- can you briefly describe what
 11 data the SBEC collects regarding elections from
 12 counties?
 13 A Well, we do have the reimbursement
 14 process. I don't think that's what you're
 15 referring to. But we do collect -- they provide
 16 data related to their expenses.
 17 There is, I think I referenced earlier, a
 18 new process put in place by the -- well, I won't
 19 call it the act, but one of the latter acts of the
 20 last general assembly that required the
 21 disposition of provisional absentee ballots to be
 22 reported by the counties in a statewide listing
 23 compiled by the State. That -- so that, again,
 24 that's a new process, but it is a -- certainly an
 25 answer to your question.

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1 Q Does the SBEC routinely collect any other
 2 data from the counties?
 3 A Well, we collect data -- well, depends
 4 what you mean data. We certainly collect oath of
 5 office for the commissioners. We collect, you
 6 know, when they come to training. This is,
 7 obviously, forms that they file to be compensated
 8 under the rule for state funds for attending that
 9 training, mileage and a stipend essentially.
 10 I mean, we collect data during the
 11 pandemic. I know the Governor's office had us
 12 collect a lot of data, trying to kind of get an
 13 assessment of poll workers. And we did also
 14 because of concern we had of poll workers, so we
 15 were kind of collecting more data than we
 16 ordinarily would on the issues that are really
 17 their responsibility, just to try and be sure
 18 there wasn't a problem that wasn't being
 19 addressed.
 20 There's other data that we collect.
 21 That's what comes to mind. If you want to be more
 22 specific in an area, then I might be able to --
 23 Q I understand that's your recollection.
 24 That's fine.
 25 Do you know when the SBEC -- well, did the

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1 SBEC undertake any steps to preserve documents
 2 related to this litigation?
 3 A Well, I mean, I don't know that we took
 4 any steps to preserve documents we wouldn't have
 5 otherwise preserved. But obviously, if they were
 6 subject to the discovery, we preserved those.
 7 Q And do you know what the SBEC undertook to
 8 identify the documents responsive to the discovery
 9 requests?
 10 A I mean, that's been some time ago. Our
 11 able staff counsel ramrodded that, but I think we
 12 took the reasonable measures to -- to find the
 13 documents that were described. I'm told by our
 14 capable legal team we've turned over some 70,000
 15 documents or some such enormity of things. So I
 16 think erred on providing what we could or what
 17 might be relevant.
 18 Q And can you briefly describe the
 19 relationship between the SBEC and the Secretary of
 20 State's office?
 21 A The Secretary of State is the chairman of
 22 the SBEC ex officio. The Secretary of State
 23 Election Division is a separate entity,
 24 constitutional entity. We are what's described
 25 now as an independent state agency which is,

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1 again, under a separate office, separate
 2 appropriation, all of these sorts of things. So I
 3 answer to the board collectively.
 4 Having said that, SOS is -- Election
 5 Division are colleagues and we generally work
 6 together. Our focus, again set out in statute, is
 7 the training, particularly with emphasis on the
 8 legal requirements, although we are more and more
 9 incorporating the technical part into our training
 10 out of necessity.
 11 The SOS has a lot of -- so their
 12 responsibilities, they actually receive the
 13 results from the county. They report results to
 14 Congress. And they -- they have a more active
 15 role than we have.
 16 Ours is -- I mean, there's a lot of
 17 overlap, obviously, but ours is fundamentally
 18 training and oversight. They tend to be more
 19 involved in -- in the counties. They host the
 20 statewide voter registration system so that the
 21 county -- county clerks are responsible for
 22 keeping the system, for inputting -- the Secretary
 23 of State doesn't input or remove data, doesn't
 24 manipulate the system. But it does provide
 25 the -- essentially house the network where the

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1 system talks county to county. That's a key
 2 function.
 3 So we have the roles that are more active
 4 participatory, what there is from the state level.
 5 Ours are more oversight. And again, there's a lot
 6 of overlap on election day where both offices are
 7 basically just resources to try and solve problems
 8 and help counties. And sometimes we -- you know,
 9 we might say, well, you're going to deal with this
 10 one, you've got more expertise here, we're going
 11 to try to work on this one.
 12 But the fundamental distinction,
 13 theoretically at least, is our roles are set out
 14 in statute and we serve to fulfill those roles.
 15 And then there are other functions that are the
 16 core functions of the secretary and his election
 17 division is responsible for fulfilling those
 18 roles.
 19 Q And you mentioned the appropriation
 20 process. What does that refer to?
 21 A Appropriations in that the authority to
 22 spend money from the legislature. We're
 23 different -- different acts of the legislature
 24 provide for the funding. Constitutional offices
 25 are a little bit different than statutory offices

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1 such as ours.
 2 Q And does the SBEC apply for that funding?
 3 A That's an interesting question. I
 4 wouldn't use that word.
 5 Q How is the amount of funding determined?
 6 A Well, it's ultimately determined by the
 7 general assembly. I -- the agency can request
 8 funding, probably more -- well, for instance,
 9 there were some -- you know, there's some other
 10 things that have been added to our portfolio the
 11 last few years. In the last general assembly, I
 12 actually asked for additional funding of personnel
 13 and received an additional person and funding for
 14 that -- or I've hired an additional person based
 15 on that.
 16 So the general assembly kind of sets what
 17 it is unless we convince them that it needs to be
 18 something different than their initial review.
 19 There's also a function of the Governor's office
 20 in that. The executive makes a recommendation to
 21 the general assembly of what the budget should be.
 22 And of course, a little agency like ours is not
 23 a -- is not on the top of the list of the monsters
 24 like DHS and all those sorts of things. But the
 25 Governor's office plays a role fundamentally. The

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1 final call is the legislature.
 2 Q So the SBEC is not a big ticket item in
 3 the legislature --
 4 A Well, we have an agency of five -- well,
 5 eight people now. Was seven for a -- when I first
 6 came here and for some time before that. It is --
 7 it fulfills a role and it -- it obviously has the
 8 resources it has. It -- it can't be -- it's able
 9 to do what it's called upon to do. It's not able
 10 to do anything that could be done.
 11 Q And does that appropriations process
 12 include the funds the SBEC uses to reimburse
 13 counties for election expenses?
 14 A It does. That's a separate appropriation
 15 line, appropriation in Arkansas being the
 16 authority to spend money. So the -- our
 17 operations and, you know, salaries, that's kind of
 18 in one tranche of money, if you will. That's --
 19 obviously, it's in our act, but that's a little
 20 under -- that's probably about 700,000, something
 21 like that. There's about 4 million general
 22 revenue for an election cycle, but those funds can
 23 only be used for election expenses, which is
 24 essentially the reimbursement, plus about \$80,000
 25 in production of documents or 70, 80,

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1 something -- it was more than it has been the last
 2 time, like anything else.
 3 Q How is that amount determined?
 4 A Well, I mean, it's the same -- same act,
 5 just different sections of the same act.
 6 Q And is it based on the county's actual
 7 expenses?
 8 A Well, yes and no. So for elections,
 9 there's some failsafes. There is a -- what's
 10 called in Arkansas, special revenue. The filing
 11 fees for judicial candidates, that kind of acts as
 12 a reserve fund to the election fund. Has the same
 13 parameters on when you can spend appropriations
 14 under that fund.
 15 And then there's kind of an emergency
 16 clause that says if all elections -- if all
 17 election funds are depleted, we can tap into
 18 the -- the State's -- we used to call it the Rainy
 19 Day fund. I don't know what it's called now. But
 20 there's a fund that the State has to kind of
 21 backstop its budget in case there's insufficient
 22 funds. And we can tap into that.
 23 So it wouldn't be put in a situation where
 24 we're out of money, the counties don't get funded
 25 for the reimbursement of their election costs.

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1 But my operations budget does not have that same
 2 liberty.
 3 I do have a little bit of extra -- well,
 4 appropriation I mentioned to hire the other fellow
 5 and to do a little bit more. And I can tap into
 6 the judicial fund, but only -- I can't access the
 7 full dollar figure. I can only access -- I can
 8 only move dollars to my -- my spending authority
 9 under operations. So we're talking about I
 10 can -- I have about -- an additional -- anyway,
 11 it's all -- it's set out in the act and the
 12 relevant laws, but essentially, we have operations
 13 to -- a fund of 130,000 plus salary is what it
 14 boils down to.
 15 MR. WILLIFORD: That is all I have.
 16 MR. FORD: Just give me about -- a few
 17 minutes. Let me talk and see if I have any
 18 follow-up, and then I'll let you know.
 19 THE VIDEOGRAPHER: We are off the record
 20 at 3:04 p.m.
 21 (Whereupon a break was had.)
 22 THE VIDEOGRAPHER: We are back on the
 23 record at 3:12 p.m.
 24 MR. FORD: I have no questions. I just
 25 ask for read and sign.


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1 THE VIDEOGRAPHER: We are off the record
 2 at 3:12 p.m.
 3 (Whereupon the proceedings were concluded at
 4 3:12 p.m.)
 5
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Page 196

1 Michael Ford, Esq.
 2 matthew.ford@arkansasag.gov
 3 December 15, 2022
 4 League Of Women Voters Of Arkansas Et Al. v. Thurston, John
 5 12/2/2022, Daniel Shults (#5570289)
 6 The above-referenced transcript is available for
 7 review.
 8 Within the applicable timeframe, the witness should
 9 read the testimony to verify its accuracy. If there are
 10 any changes, the witness should note those with the
 11 reason, on the attached Errata Sheet.
 12 The witness should sign the Acknowledgment of
 13 Deponent and Errata and return to the deposing attorney.
 14 Copies should be sent to all counsel, and to Veritext at
 15 cs-ny@veritext.com.
 16
 17 Return completed errata within 30 days from
 18 receipt of testimony.
 19 If the witness fails to do so within the time
 20 allotted, the transcript may be used as if signed.
 21
 22 Yours,
 23 Veritext Legal Solutions
 24
 25

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC
 2 I, Karisa Ekenseair, the officer before
 3 whom the foregoing deposition was taken, do hereby
 4 certify that the foregoing transcript is a true
 5 and correct record of the testimony given; that
 6 said testimony was taken by me stenographically
 7 and thereafter reduced to typewriting under my
 8 direction; that reading and signing was not
 9 waived; and that I am neither counsel for, related
 10 to, nor employed by any of the parties to this
 11 case and have no interest, financial or otherwise,
 12 in its outcome.
 13 IN WITNESS WHEREOF, I have hereunto set my
 14 hand and affixed my notarial seal this 15th day of
 15 December, 2022.
 16 My commission expires: 6-18-2028
 17 
 18
 19 Karisa Ekenseair, CCR, RPR LS #802
 20 Notary Public in and for
 21 Pulaski County, Arkansas
 22 Commission No. 12704567
 23
 24
 25

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1 League Of Women Voters Of Arkansas Et Al. v. Thurston, John
 2 Daniel Shults (#5570289)
 3 E R R A T A S H E E T
 4 PAGE ___ LINE ___ CHANGE _____
 5 _____
 6 REASON _____
 7 PAGE ___ LINE ___ CHANGE _____
 8 _____
 9 REASON _____
 10 PAGE ___ LINE ___ CHANGE _____
 11 _____
 12 REASON _____
 13 PAGE ___ LINE ___ CHANGE _____
 14 _____
 15 REASON _____
 16 PAGE ___ LINE ___ CHANGE _____
 17 _____
 18 REASON _____
 19 PAGE ___ LINE ___ CHANGE _____
 20 _____
 21 REASON _____
 22 _____
 23 _____
 24 Daniel Shults Date _____
 25

1 League Of Women Voters Of Arkansas Et Al. v. Thurston, John
2 Daniel Shults (#5570289)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Daniel Shults, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11 _____

12 Daniel Shults Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20__.

16

17

18

19 _____

20

21

22

23

24

25

NOTARY PUBLIC

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

Exhibit 8

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS et al.,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, and
SHARON BROOKS, BILENDA
HARRIS-RITTER, WILLIAM LUTHER,
CHARLES ROBERTS, JAMES SHARP,
and J. HARMON SMITH, in their official
capacities as members of the Arkansas State
Board of Election Commissioners,

Defendants.

Case No. 5:20-cv-05174-PKH

DECLARATION OF DR. LINTON A. MOHAMMED

I, Linton A. Mohammed, pursuant to Article 28 U.S.C. § 1746, declare as follows:

1. I am a Forensic Document Examiner (“FDE”), certified by the American Board of Forensic Document Examiners. I have been engaged in this matter by Debevoise & Plimpton LLP and the Lawyers’ Committee for Civil Rights under Law (“LCCR”), counsel for the Plaintiffs, to opine on the reliability of the procedures and techniques of the Arkansas signature verification process for absentee ballots as set forth in Arkansas elections laws and guidance.

2. I submit this declaration at the request of Plaintiffs and their counsel and my report, detailing my conclusions, is attached as **Exhibit A** to this declaration. A list of the materials on which I relied in preparing this report is attached as **Appendix 1** to **Exhibit A**.

3. My *curriculum vitae*, which is current as of April 6, 2022, is attached herewith as **Exhibit B**.

4. I am being compensated at a rate of \$400.00 per hour. My compensation in this matter is not in any way contingent on the content of my opinion or the outcome of this matter.

5. I previously submitted a declaration in support of Plaintiffs' motion for a preliminary injunction in this case, which is available at ECF No. 13-6, *League of Women Voters of Arkansas v. Thurston*, Case No. 5:20-cv-05174-PKH (W.D. Ark. Sept. 28, 2020).

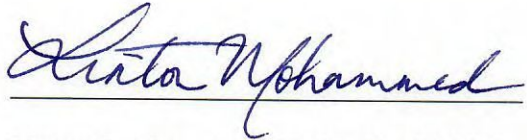
6. I was also called to testify at trial in a parallel litigation before the Arkansas state Circuit Court for Pulaski County. The State court in that case recognized my expertise in this area and accepted my testimony regarding the reliability of signature matching when conducted by election officials in the State of Arkansas. *League of Women Voters of Arkansas v. Thurston*, Case No. 60CV-21-3138, at 56–61 (Ark. Circuit Court Pulaski County March 24, 2022). A copy of the opinion in this case, which describes my testimony and findings, is attached as **Exhibit C** and a copy of the declaration I submitted in connection with my testimony in that case is attached as **Exhibit D**.

7. If called to testify, I can and will testify regarding all of the opinions contained in the report enclosed herein.

8. I reserve the right to amend and/or supplement my opinions to respond to any declarations, reports, or testimony from any of Defendants' experts or witnesses; any briefs or pleadings that Defendants may file; and any other matters relating to the substance of this Declaration.

Pursuant to 28 U.S.C. § 1746, I, Dr. Linton Mohammed, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 2, 2022 at Poway, California.



Linton Mohammed, Ph.D., D-ABFDE

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EXHIBIT A

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS et al.,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, and
SHARON BROOKS, BILENDA
HARRIS-RITTER, WILLIAM LUTHER,
CHARLES ROBERTS, JAMES SHARP,
and J. HARMON SMITH, in their official
capacities as members of the Arkansas State
Board of Election Commissioners,

Defendants.

Case No. 5:20-cv-05174-PKH

EXPERT REPORT OF DR. LINTON A. MOHAMMED

I, Dr. Linton A. Mohammed, declare as follows:

I. QUALIFICATIONS

1. I am a U.S.-certified and internationally recognized Forensic Document Examiner (“FDE”), and the focus of my research and professional experience is on handwriting and signature identification and the scientific approach to analyzing questioned signatures. I am, and since 1998 continuously have been, certified by the American Board of Forensic Document Examiners (“ABFDE”), the certifying board for FDEs in North America. I am also certified in document examination by the Chartered Society of Forensic Sciences (United Kingdom). I specialize in the forensic science of analyzing genuine, disguised, and simulated signatures. My

curriculum vitae, which is current as of April 6, 2022, is included as **Exhibit B** to my declaration.

2. I co-founded and I am currently the principal at Forensic Science Consultants, Inc., where I conduct forensic document examination casework and research on handwriting and signature examination as well as other forensic document examination (e.g., document alterations, obliterations, indented impressions, or pages added or removed). I am also an adjunct professor at Oklahoma State University, where I teach graduate courses on the scientific examination of questioned documents.

3. During and prior to my time with Forensic Science Consultants, Inc., and for nearly fourteen years, I worked as Forensic Document Examiner and Senior Document Examiner for the San Diego Sherriff's Department Regional Crime Laboratory. There, I conducted examinations of signatures and handwriting for cases investigated by San Diego County agencies as well as by local police, state, and federal agencies. I also served as Technical Lead of the Questioned Documents Section of the Regional Crime Laboratory, trained investigators and attorneys, provided expert testimony, conducted research, and produced the Questioned Documents Section Quality Manuals. Prior to that, I worked internationally as an FDE at the Laboratory of the Government Chemist (England), the Caribbean Institute of Forensic Investigations Ltd. (West Indies), and the Trinidad and Tobago Forensic Science Center (West Indies). In those roles, I conducted forensic document examinations and testified in criminal and civil cases for multiple police forces and other government agencies.

4. I am a Fellow of the Questioned Documents Section of the American Academy of Forensic Sciences ("AAFS"), a Fellow and diplomate of the Chartered Society of Forensic Sciences, and a member of the Canadian Society of Forensic Science. I served as the Chair of the

AAFS Questioned Documents Section from 2016 to 2018. I am an appointed member and Chair of the Academy Standards Board, which was formed by the AAFS to develop consensus-based standards for the forensic sciences. I served as a member of the National Institute of Standards and Technology's Expert Working Group on Human Facts in Handwriting Examination, the National Institute of Standards and Technology Organization of Scientific Area Committees' Physics/Pattern Interpretation Scientific Area Committee, and the Scientific Working Group on Documents. I have previously served as President, Vice President, Treasurer, and Director of the American Society of Questioned Document Examiners ("ASQDE").

5. I am the editor of the Journal of the American Society of Questioned Document Examiners. I served on the editorial review board of the Journal of Forensic Sciences from 2005-2020, and I serve on the editorial review board of Forensic Science and Technology. I am a guest reviewer for the following journals: Forensic Science International, Science & Justice, Australian Journal of Forensic Science, Egyptian Journal of Forensic Sciences, and IEEE Transactions on Cybernetics.

6. I have published sixteen (16) peer-reviewed articles on signature and handwriting examination, and forensic document examination. Many of my articles focus on the analysis of genuine, disguised, and forged signatures, and handwriting examination. I have also given numerous presentations and workshops on signature and document examination worldwide, including the United States, Australia, Brazil, Canada, China, Latvia, Poland, Saudi Arabia, Scotland, and Turkey.

7. In 2019, I authored a book titled *Forensic Examination of Signatures*, which describes and discusses state of the art techniques and research in signature examination.¹ I co-authored a book in 2012 titled *The Neuroscience of Handwriting: Applications for Forensic Document Examination*, which integrates research in the fields of motor control, neuroscience, kinematics, and robotics to evaluate questioned signatures and handwriting.² The book sets forth, among other things, the scientific fundamentals of motor control as relevant to handwriting; the impact of age, disease, and medication on handwriting; and a quantitative approach to signature authentication, including kinematic and laboratory analyses of genuine versus disguised versus forged signatures.

8. In 2012, I received the American Board of Forensic Document Examiners' New Horizon Award "In Recognition of His Exceptional Contributions in Scientific Research for the Advancement of Forensic Document Examination." In 2019, I received the American Academy of Forensic Sciences Questioned Documents Section Ordway Hilton Award "In Recognition of Outstanding Contributions to Forensic Document Examination."

9. I have testified as an expert witness in court and depositions more than 150 times on issues of signature, handwriting, and document examination in both civil and criminal cases, including cases in the United States, England, Trinidad & Tobago, and St. Vincent.

10. My testimony in cases involving signature-matching processes related to absentee ballots has been accepted in several courts, including by the Circuit Court of Pulaski County in a trial involving a parallel provision of the voting law regarding, among other things, new rules governing signature matching on absentee ballot applications. *League of Women Voters of*

¹ Mohammed, L. (2019). *Forensic Examination of Signatures*. San Diego: Elsevier.

² Caligiuri, M.P., & Mohammed, L.A. (2012). *The Neuroscience of Handwriting: Applications for Forensic Document Examination*. Boca Raton: CRC Press/Taylor & Francis Group.

Arkansas v. Thurston, Case No. 60CV-21-3138, at 56-61 (Ark. Circuit Court Pulaski County March 24, 2022); *see also, e.g., Richardson v. Tex. Sec’y of State*, 485 F. Supp. 3d 744, 755-56, 780-81, 787 (W.D. Tex. 2020); *Self Advocacy Solutions N.D. v. Jaeger*, 464 F. Supp. 3d 1039, 1045, 1053 (D.N.D. 2020); *Frederick v. Lawson*, 481 F. Supp. 3d 774, 785-86, 795-96 (S.D. Ind. 2020); *Saucedo v. Gardner*, 335 F. Supp. 3d 202, 212-13 (D.N.H. 2018); *see also Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1320 (11th Cir. 2019).

11. I received a Ph.D. from La Trobe University in Melbourne, Australia in human biosciences, where I wrote my thesis on signature identification: “Elucidating static and dynamic features to discriminate between signature disguise and signature forgery behavior.” Prior to that, I received my undergraduate degree in science at the University of West Indies; underwent a two-year training program in document examination at the Trinidad and Tobago Forensic Science Center; and received a master’s degree in forensic sciences at National University in San Diego, California.

II. BACKGROUND

12. For this Declaration, I reviewed the Plaintiffs’ Complaint, the State of Arkansas statutes A.C.A. § 7-5-404, A.C.A. § 7-5-405, A.C.A. § 7-5-409, A.C.A. § 7-5-416, the Arkansas County Board of Election Commissioners Procedures Manual, Arkansas Absentee Canvassing Quick Guide, Arkansas Processing Absentee Ballot Exercises, the absentee voting provisions detailed on the Secretary of State’s website <https://www.sos.arkansas.gov/elections/voter-information/absentee-voting>, copies of absentee ballots that were rejected for mismatched signatures that were provided to me by counsel, as well as the relevant academic literature. The materials on which I relied are listed in **Appendix 1** to this report.

13. Arkansas, like many states, has a signature match requirement for mail-in absentee applications and absentee ballots.

14. With respect to absentee ballot applications, A.C.A. § 7-5-404(a)(2)(A) states “If the signatures on the absentee ballot application and the voter registration record are not similar, the county clerk shall not provide an absentee ballot to the voter.”

15. Arkansas state law does not define what is meant by “similar” in A.C.A. § 7-5-404(a)(2)(A).

16. A.C.A. § 7-5-409(a)(1)(B) states “The county clerk shall verify that the application has been properly signed by the applicant and, if necessary, the designated bearer, administrator, or authorized agent. If the application is not properly signed, the application shall be rejected by the county clerk.”

17. Arkansas state law does not provide any guidance whatsoever as to what is meant by “properly signed” in A.C.A. § 7-5-409(a)(1)(B).

18. According to the County Board of Election Commissioners Procedures Manual issued by the Arkansas State Board of Elections, Page 40, Absentee Voting, Rejected Absentee Applications: “The county clerk cannot send an absentee ballot to a voter if the signature on the absentee ballot application is not similar to the voter’s signature in the voter registration file.”³

19. With respect to absentee ballots, A.C. A. § 7-5-416(b)(1)(F)(i) states that election officials must “compare the . . . signature of the voter’s absentee application with the voter’s statement and, for first-time voters who registered by mail, the first-time voter’s identification document” A.C.A. § 7-5-416(b)(1)(F)(ii) states that “if the county board of election

³ ARK. STATE BD. OF ELECTION COMM’RS, COUNTY BOARD OF ELECTION COMMISSIONERS PROCEDURES MANUAL 40 (2020), https://static.ark.org/eeuploads/elections/2020_CBEC_Manual_for_UALR_FINAL_9-10-19.pdf.

commissioners determines that the absentee application and the voter's statement do not compare as to . . . signature, the absentee ballot shall not be counted.”

20. Arkansas state law does not provide any guidance whatsoever as to what is meant by “do not compare” in A.C.A. § 7-5-416(b)(1)(F)(ii).

21. Based on these statutes, the election officials are being asked to conduct an examination of the signature of the voter that appears on their voter statement with the signature that appears on the voter’s absentee application.

22. The Absentee Canvassing Quick Guide issued by the State Board of Elections includes instructions to election officials stating the following, under the heading “COUNTING ABSENTEE BALLOTS”: “Reject any ballot if: . . . the election commission finds that the name, date of birth, address or signature on the voter statement do not compare to the corresponding information on the absentee ballot application.” See Arkansas State Board of Election Commissioners, *Absentee Canvassing Quick Guide*, https://static.ark.org/eeuploads/elections/Absentee_Canvassing_QG_-_Copy.pdf (“*Absentee Canvassing Quick Guide*”), 2.

23. The State Board of Elections training materials also provide that ballots should only be rejected for signature mismatch if there is a “distinct and easily recognizable difference” between the signatures. See *Absentee Canvassing Quick Guide*, 1.

24. A second training document advises signatures are not a mismatch if “the signatures are not exactly the same – but are similar.” See Arkansas State Board of Election Commissioners, *Processing Absentee Ballots*, https://static.ark.org/eeuploads/elections/2020_Processing_Absentee_Ballot_Exercises.pdf, (“*Processing Absentee Ballots Guide*”), 2.

25. Neither these documents nor any other Arkansas election training document define what constitutes a “distinct and easily recognizable difference” between signatures or what distinguishes that difference from signatures that “are not exactly the same – but are similar.”

26. Based on my understanding, Arkansas election officials are lay individuals, meaning they are not required to have any training, certification, or experience in document examination or signature comparison. In fact, the Absentee Canvassing Quick Guide states, “Election officials are not handwriting experts.” See *Absentee Canvassing Quick Guide*, 1. As discussed later, this is a major possible cause of error.⁴

27. Based on my understanding, there are no further written statewide standards or procedures to guide election officials in evaluating whether the signature on the absentee ballot application matches the signature on the voter’s statement.

28. Furthermore, there is no indication in the statutes in effect at this time for the General Election that the voter is notified in case of a signature mismatch or provided with an opportunity to cure the signature mismatch in order to have their ballot counted.

III. SUMMARY OF CONCLUSIONS

29. The Arkansas statutes relating to signature match do not set forth sufficient standards for determining reasonably whether a signature on a voter statement returned with the absentee ballot matches the voter signature displayed on the absentee ballot application, which I believe can result in errors. Based on my review of the election statutes, Arkansas also does not require election officials to have any training in signature examination and does not require that election officials be provided with equipment for effective document examination and signature comparison, such as proper light sources and microscopes.

⁴ *Infra* paragraphs 38 to 56.

30. Based on my experience and my review of the academic literature, it is my opinion that in these circumstances, inevitably, Arkansas election officials will make erroneous signature-comparison determinations.

31. Determining whether a signature is genuine or not is a difficult task for even a trained FDE, as signatures are written in different styles with varying levels of readability and variability. Laypersons, such as Arkansas election officials, have a significantly higher rate of error in determining whether signatures are genuine. Laypersons are also more likely to wrongly determine that authentic signatures are *not* genuine than to make the opposite error. In other words, Arkansas election officials are significantly more likely than trained examiners to make an incorrect signature comparison determination and are particularly likely to incorrectly decide that the signatures are *not* signed by the same person.

32. The high rate of error among laypersons generally results from the inability to distinguish between normal “variations” in one individual’s signatures as opposed to “differences” resulting from multiple signers. An individual’s signatures may vary for myriad reasons, including age, health, native language, and writing conditions. Laypersons lack the tools and training to properly account for signature variation, which leads to erroneous mismatch determinations that are particularly pronounced in populations with greater signature variability, such as the elderly, disabled, individuals suffering from poor health, and young voters (ages 18

to 21)⁵ Furthermore, based on my experience and expertise, erroneous mismatch determinations are also likely to be greater with signatories who are non-native English speakers, as their range of variation in “English” signatures will be wider than in their native language.

33. These signature-determination errors are further compounded for Arkansas election officials with diminished eyesight or “form blindness” (a type of impairment in visual perception defined below)—both of which impact an individual’s ability to make accurate handwriting authenticity determinations. While FDEs are screened for these traits, Arkansas law and guidance regarding signature comparison do not require election officials to undergo such screening.

34. Based on my review of the relevant statutes and guidance, Arkansas does not require election officials to compare the signatures on the voter statement returned with the absentee ballot to other signatures available on file beyond the absentee ballot application, or spend any minimum threshold of time in comparing signatures. These omissions are likely to lead to additional errors. At a minimum, multiple signature samples are required for an accurate signature determination to account for an individual’s signature variability, given proper examination conditions.⁶ In general, a minimum of ten specimen signatures is required, but that

⁵ See Merlino, M., Freeman, T., Dahir, V., Springer, V., et al. (Jan. 2015). *Validity, Reliability, Accuracy, and Bias in Forensic Signature Identification*, at Results 3.6.QI 68 Department of Justice Grant 2010-DN-BX-K271, Document 248565, <https://www.ncjrs.gov/pdffiles1/nij/grants/248565.pdf> (discussing greater error rate by lay persons in comparing signatures); Hilton, O. (1969). Consideration of the writer’s health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No. 2, pp. 159-63 (discussing variability of signatures by elderly, disabled, and ill individuals); Bureau of the Chief Postal Inspector (1966), *20th Century Handwriting Systems and Their Importance to the Document Analyst*, Introduction (discussing the immature stage of adolescent signatures);

⁶ Hilton, O. (1965). A further look at writing standards. *The Journal of Criminal Law, Criminology and Police Science*, Vol. 56, No. 3, p. 383 (recommending a minimum of ten signature samples for accurate signature comparison determinations).

number can rise exponentially when age and illness effects are factors. For writers who are elderly or have poor health, a larger number of signature samples may be required to determine their range of variation. Yet Arkansas does not require election officials to compare the voter's signatures on the voter statement to more than one reference signature.

35. In my experience, given optimum conditions such as complex signatures (see Figure 1) which are the product of a combination of the formation, concatenation, intersection of the strokes, and number of turning points that comprise the signature, original documents, and an adequate number of specimen signatures, a minimum of two hours is required to conduct a signature comparison.

36. The examination requires that the signatures be sketched, and the fine and subtle details of the questioned and reference signatures be examined and compared in detail. Usually, examinations are conducted more than once as a check and balance.

37. The signature in dispute (questioned) is examined, then the specimen signatures are inter-compared. The specimen signatures should be contemporaneous with the questioned signature. Generally, 1 or 2 years is acceptable, but in the case of elderly and ill writers, the specimens may have to be within days. The questioned signature is then cross-compared with the specimen signatures. Original questioned and known signatures are examined with low power stereomicroscopes with incident and oblique lighting sources. The questioned and known signatures are scanned, the images enlarged, and then the signatures are placed into charts for

comparison. Note 6 of the SWGDOC Standard Guide for Handwritten Items⁷ gives details of the features that the examiner must consider:

NOTE 6—Among the features to be considered are elements of the writing such as abbreviation; alignment; arrangement, formatting, and positioning; capitalization; connectedness and disconnectedness; cross strokes and dots, diacritics and punctuation; direction of strokes; disguise; embellishments; formation; freedom of execution; handedness; legibility; line quality; method of production; pen hold and pen position; overall pressure and patterns of pressure emphasis; proportion; simplification; size; skill; slant or slope; spacing; speed; initial, connecting, and terminal strokes; system; tremor; type of writing; and range of variation.

Other features such as lifts, stops and hesitations of the writing instrument; patching and retouching; slow, drawn quality of the line; unnatural tremor; and standard lines of various forms should be evaluated when present.

Potential limiting factors such as age; illness or injury; medication, drugs or alcohol (intoxication or withdrawal); awkward writing position; cold or heat; fatigue; haste or carelessness; nervousness; nature of the document, use of the unaccustomed hand; deliberate attempt at disguise or auto-forgery should be considered.

38. The limited specimen signature(s) specified in the Arkansas statute A.C. A. § 7-5-416(b)(1)(F)(i), the lack of examination equipment, and lack of time will not permit an election official to evaluate the features listed in Note 6. This will contribute to errors in rejecting genuine

⁷ *SWGDOC Standard for Examination of Handwritten Items*, SWGDOC, <https://swgdoc.org/documents/SWGDOC%20Standard%20for%20Examination%20of%20Handwritten%20Items.pdf> (last visited May 31, 2022).

ballot signatures. Examples of incorrectly rejected signatures are included in **Appendix 2** to this report.

39. Election officials with insufficient time to evaluate the signature on the voter statement are likely to make additional errors. Based on my review of the relevant Arkansas statutes, election officials are not allotted the required minimum amount of time to examine and compare the voters' signatures.

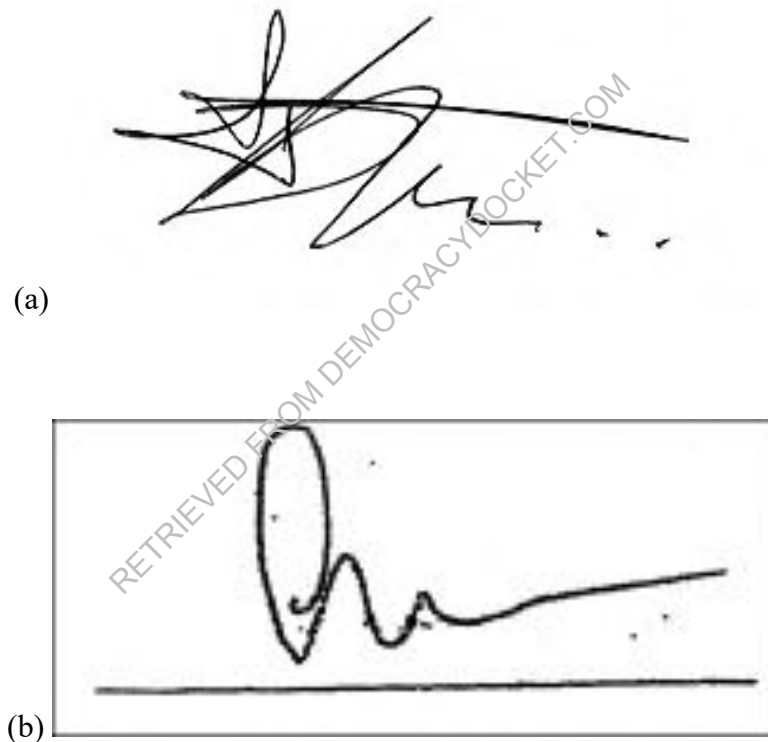


Figure 1 *Examples of a complex signature (a), and a simple signature (b).*

40. In sum, it is my opinion that Arkansas's current signature matching rules and procedures, which assign to individuals without adequate training—and without guidance—the authority to reject ballots based solely on the signatures on the absentee ballot voter statements, will result in a significant number of erroneous rejections. In other words, Arkansas election officials are likely to reject properly cast ballots, signed by the voter to whom the ballot belongs,

because of their incorrect determination that the signatures on the voter statements are not genuine.

IV. ANALYSIS AND OPINIONS

A. Arkansas election officials are likely to make erroneous signature comparison determinations.

41. Individuals untrained in signature examination, like Arkansas election officials, are likely to make mistakes when comparing signatures, particularly by erroneously rejecting signatures as inauthentic or non-matching when they are in fact written by the same individual. These rejections are considered “Type II” errors, and laypersons are more likely than FDEs to make such errors for several reasons. First, untrained election officials cannot reliably determine whether signatures are written by different individuals, or whether the signatures are written by one person but exhibit natural variations. Second, untrained reviewers do not account for the many reasons for naturally varying signatures, causing them to erroneously reject authentic signatures. This is particularly true for writers who have less formal education, are elderly, disabled, or young, or have adverse health conditions. Furthermore, writers who are non-native English speakers would presumably have a wider range of variation in their “English” signatures, than they would in their native language. Third, untrained election officials also fail to account for the different signature styles and features, leading to erroneous rejections. Lastly, Arkansas election officials are not tested for form blindness, a condition that can impact their ability to accurately review signatures.

B. Untrained laypersons are more likely than FDEs to erroneously determine authentic signatures are inauthentic.

42. There are two types of errors in signature examination. Type I errors occur when a non-genuine signature is deemed to be genuine, and a Type II error occurs when a genuine

signature is concluded to be non-genuine. In Arkansas's vote by mail system, a Type II error would result from an election official making a determination that the ballot signatures and the reference signature for one voter are not "in order" or not "regular", when in fact, all these signatures were written by the same voter. With this Type II error, the voter's ballot would be rejected due to a perceived signature mismatch, and therefore the voter would be disenfranchised through no fault of their own.

43. Compared to FDEs, laypersons have higher Type II error rates. In a 2001 study reviewing the error rates of FDEs and laypersons in comparing six genuine signatures with six non-genuine signatures, laypersons made Type II errors in 26.1% of cases while trained signature FDEs made such errors in 7.05% of cases.⁸ That means that laypersons are more than 3 ½ times more likely to declare an authentic signature non-genuine—which, in the case of signatures on absentee ballot voter statements, would mean that election officials would reject more than 3 ½ times the number of ballots than FDEs. It should be noted that for this study, six (6) specimen signatures were used. If, as in Arkansas elections, only two genuine signatures are used for comparison, it is highly likely that the error rate for both experts and laypersons would increase significantly.

C. Arkansas election officials cannot determine reliably whether signatures are written by different individuals, or by one individual exhibiting natural variation.

44. Determining whether signatures are made by the same or different individuals requires a reviewer to discern whether a feature or combination of features in signatures are "differences" or "variations." Signatures are the product of a motor program developed in the

⁸ Kam M., Gummadidala K., Fielding G., Conn R. (2001). Signature Authentication by Forensic Document Examiners, *Journal of Forensic Science*, 46(4):884-888.

brain after practice, and then executed with neuro-muscular coordination. Many factors can influence an individual's motor program and neuro-muscular coordination. These factors cause variations in each person's signature.⁹ Variations are deviations of personal, subconscious characteristics normally demonstrated in the habits of each writer. Individuals may have narrow, moderate, or wide ranges of natural variation. A writer's range of variation can be determined when an adequate amount of specimen signatures is examined. A significant "difference" is a characteristic that is "structurally divergent between handwritten items, that is outside the range of variation of the writer, and that cannot be reasonably explained."¹⁰

45. In the field of signature examination, unexplainable "*differences*" between signatures suggest that different individuals wrote the signatures, whereas "*variations*" between signatures mean that one individual wrote the signatures. Determining whether signature features are "differences" or "variations" is one of the most difficult determinations in signature examinations, even for experienced FDEs.

46. Some writers may have a very wide range of variation. Figure 2 illustrates four signatures of one writer (redacted) that exhibit wide variation, and if compared, may easily be mistaken as signatures written by four different individuals. Any one signature compared with the other three could be determined by a lay person to be not "in order" or not "regular".

⁹ Mohammed, *supra* note 1, at 5-11.

¹⁰ *SWGDOC Standard for Examination of Handwritten Items*, *supra* note 7.

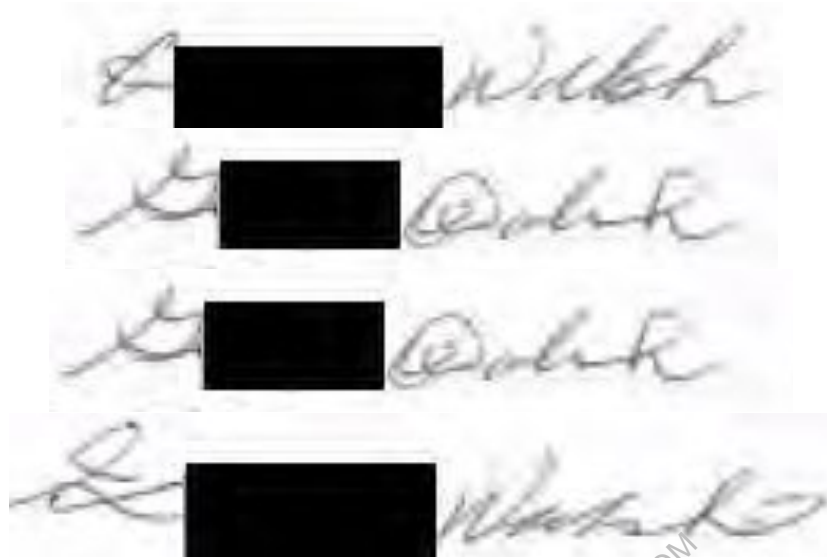


Figure 2 *Four signatures of one individual exhibiting a wide range of variation.*

47. To reliably make such a judgment requires, at a minimum:

- Extensive training with different types of signatures: Becoming an FDE requires at least two,¹¹ and typically three, years of full-time training with an experienced examiner, with at least eighteen (18) months of training in the examination of signatures and handwriting. FDEs learn the science of signature examination, gain experience in casework, and are tested for proficiency.
- Adequate magnification and lighting equipment.
- Excellent eyesight.
- Adequate contemporaneous specimen signatures.

¹¹ *Standard for Minimum Training Requirements for Forensic Document Examiners § 6.1*, SWGDOC, <https://swgdoc.org/documents/SWGDOC%20Standard%20for%20Minimum%20Training%20Requirements%20for%20Forensic%20Document%20Examiners.pdf> (last visited May 31, 2022).

- Adequate time: Insufficient time examining signatures is conducive to making errors. For example, one study found that FDEs spent more time looking at the questioned and known signatures than laypersons, and their evaluations were more accurate.¹²

48. Without these elements, Arkansas election officials are likely to mistake legitimate and expected “variations” between one individual’s signatures for “differences” in signatures between two individuals and conclude incorrectly that someone other than the registered voter signed the voter statement.

49. Guidance from the Absentee Canvassing Quick Guide states that, “Election officials are not handwriting experts. Reject a ballot on the basis that the signatures do not compare only if there is a distinct and easily recognizable difference between the signature on the absentee ballot application and the voter statement.”¹³ However, based on a one-to-one comparison, the election officials have no way to determine if a feature is a difference indicating two writers, or natural variation of one writer. This may lead to erroneous rejections.

D. Untrained reviewers erroneously reject authentic signatures because they do not account for the many reasons for naturally varying signatures.

50. Further, an individual’s signatures may vary for myriad reasons, and to properly determine whether signatures are written by the same individual, one must consider the various reasons why features of the same individual’s signatures may visually appear different. To do so, reviewers must possess an adequate number of sample signatures to demonstrate the writer’s range of variation. In one of the leading textbooks on handwriting examination, authors Roy

¹² Merlino et al., *supra* note 5, at Results 3.2.QK 20.

¹³ *Absentee Canvassing Quick Guide*, https://static.ark.org/eeuploads/elections/Absentee_Canvassing_QG_-_Copy.pdf.

Huber & A.M. Headrick identified twenty common reasons why individuals' signatures may appear to show variations:

- Adequacy of standards (or samples)—inadequate standards in terms of quantity and contemporaneousness will not be representative of the writer's range of variation. Variations may therefore be interpreted as differences.
- Accidental occurrences—i.e., these are one-off variations that will not appear in the specimen signatures.¹⁴ Misinterpretation may lead to a decision of difference versus variation.
- Alternative styles—i.e., some writers have alternate signature styles. This may not be represented in the specimens.
- Ambidexterity.
- Carelessness or negligence.
- Changes in the health condition of the writer.
- Changes in the physical condition of the writer—e.g., fractures, fatigue, or weakness may alter features of an individual's signature.
- Changes in the mental condition or state of the writer.
- Concentration on the act of writing.
- Disguise or deliberate change.
- Influence of drugs or alcohol.
- Influence of medications.
- Intentional change for later denial.

¹⁴ A specimen signature is a signature that is known to have been written by a person. It is not disputed. Typical specimens are Driver's Licenses and Identification Cards.

- Nervous tension.
- Natural variations—i.e., inherent variation as a result of differences in neuromuscular coordination.
- Writing conditions—e.g., the writer’s place or circumstances, such as in a moving vehicle or at a stationary table.
- Writing instrument—e.g., a pen versus a stylus.
- Writing position—e.g., the writer’s stance.
- Writing surface—e.g., paper versus electronic screen.
- Writing under stress.¹⁵

Examiners must consider each of these reasons in determining whether a feature is a “difference” created by different writers or whether the feature is simply a “variation” from the same writer. It is very unlikely that Arkansas election officials will have the knowledge, training, and experience to properly account for these factors. And the Arkansas signature matching statutes do not require election officials to consider adequate samples, as would be necessary for even an expert to distinguish a “difference” from a “variation.”

51. Arkansas election officials are not given any guidance to consider other handwriting on the absentee ballot application and the ballot. Figure 6 illustrates the ballots of two voter’s whose ballots were rejected for signature mismatch. Yet, comparison of the printed names clearly show similarities that should have alerted the election official not to reject the ballots.

¹⁵ Huber, R.A. & Headrick, A.M. (1999). *Handwriting Identification: Facts and Fundamentals*. Boca Raton, FL: CRC Press, Chapter 3, Section 17.

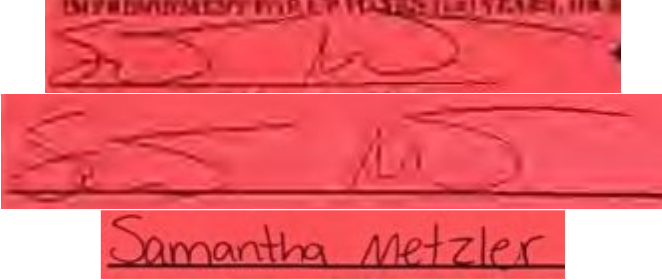

ABSENTEE BALLOT APPLICATION	BALLOT
<p>and the person who is registered.</p> <p><i>Samantha Metzler</i> Signature of Voter</p> <p><i>Samantha E Metzler</i> Printed or Typed Name of Voter</p>	 <p><i>Samantha Metzler</i></p>
<p>who is registered.</p> <p><i>[Signature]</i> Signature of Voter</p> <p>AR DL 2019</p> <p><i>Mohammed ElFaramawi</i> Printed or Typed Name of Voter</p>	 <p><i>Mohammed A ElFaramawi</i></p>

FIGURE 6: Similar handwritten names on Absentee Ballot Application and Ballot for two voters.

52. Studies have shown that illiterate writers, elderly writers, disabled writers, and writers with health conditions tend to have less pen control than most other writers and therefore would have a greater range of variation in their signatures.¹⁶ And the increased variation in the signatures of these groups only compounds laypersons' tendencies to err on the side of incorrectly finding authentic signatures to be non-genuine.

53. Since signatures are developed as a motor program in the brain, the signatures of writers for whom English is a second language are more likely to exhibit wide ranges of variation, as these writers will have to discard their former learned motor program and develop a

¹⁶ See, e.g., Hilton, O. (1969). Consideration of the writer's health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No. 2, pp. 157-166; Hilton, O. (1965). *A further look at writing standards*. *Journal of Criminal Law, Criminology, and Police Science*, Vol. 56, No. 3, p.383; Hilton, O. (1956). Influence of serious illness on handwriting identification, *Postgraduate Medicine*, Vol. 19, No. 2.

new one for their new signature style.¹⁷ For instance, where the writer's native language is written right to left, such as Urdu, the writer's signature may also be more likely to show variations in letter slanting. Cherokee is a Native American tribe that has its own syllabary.¹⁸ Signatures written by individuals who learned to write using the Cherokee syllabary may appear different to an untrained eye. Qualified, experienced experts in the area of signature verification would know of and account for these factors in evaluating signatures. Arkansas election officials, even if put through a short training session, are unlikely to be able to accurately account for these differences, particularly in an expedient time frame or when only one or a few specimen signatures are available for comparison.

54. Furthermore, young voters (ages 18 to 25) are not likely to have fully developed signatures. According to one study, "[t]he development and progress of one's handwriting passes through four stages in the course of a lifetime: (1) the formative stage, (2) the impressionable or adolescent stage, (3) the mature stage, and (4) the stage of degeneration."¹⁹ The signatures of young voters will fall between stages 2 and 3. The U.S. Postal Service has reported that "the writer reaches graphic maturity after the 20th birthday."²⁰ Handwriting was developed as a means

¹⁷ Mohammed, *supra* note 1, at 5-11.

¹⁸ Encyclopedia Britannica, *Cherokee Syllabary*, <https://www.britannica.com/topic/Cherokee-syllabary>.

¹⁹ Huber, R.A. & Headrick, A.M. (1999). *Handwriting Identification: Facts and Fundamentals*. Boca Raton, FL: CRC Press, Chapter 8 Section 37(D)(1).

²⁰ Bureau of the Chief Postal Inspector (1966), *20th Century Handwriting Systems and Their Importance to the Document Analyst*, Introduction.

of communication, whereas signatures are developed as a means of identification.²¹ However, identification depends on having adequate specimen signatures for comparison. Signatures tend to be more personalized, and can therefore be considered as an over-developed form of handwriting. Young writers today will likely not have developed signatures until later in life. This is exacerbated as young writers will presumably need to sign less often due to the increased use of personal identification numbers (“PINs”) and other non-handwritten forms of identification. Thus, it follows that their signature development can reasonably be expected to take longer than for previous generations. This will lead to an increased range of variation in a young writer’s signature. The handwriting of adolescents can cause difficulties even for trained FDEs. Comparisons by untrained individuals of young voters’ signatures on the voter statements will exacerbate the potential for error in rejecting their ballots.²²

E. Arkansas election officials may fail to account for increased variation in signatures of voters with disabilities.

55. Signatures are executed by means of neuromuscular coordination. A motor program developed in the brain signals the muscles to produce handwriting movements. Any disability, illness, or drug that affects neuromuscular coordination will influence the production of signatures. Various diseases such as ALS (Lou Gehrig’s disease) and Progressive Bulbar Palsy

²¹ Plamondon, R., Srihari, S. (2000). *Online and off-line handwriting recognition: a comprehensive survey*. IEEE Transactions on Pattern Analysis and Machine Intelligence Volume: 22, Issue:1, Jan, p. 1; Srihari S.N., Srinivasan H., Chen S., Beal M.J. (2008). *Machine Learning for Signature Verification*. In: Marinai S., Fujisawa H. (eds) Machine Learning in Document Analysis and Recognition. Studies in Computational Intelligence, vol 90. Springer, Berlin, Heidelberg, p. 389.

²² See Cusack, C.T & Hargett, J.W. (1988). A Comparison Study of the Handwriting of Adolescents. *Forensic Science International*, 1-8.

(PBP) that affect motor neurons and neurological pathways can affect the appearance of signatures of the afflicted individual.

56. Diseases with Lewy bodies such as Parkinson's and Alzheimer's also affect signatures. Writers with these diseases tend to write much smaller (micrographia), and this tendency may change depending on medication. Individuals who have lost their dominant hand, and must learn to write with their other hand will also exhibit wide variation in their handwriting. An example of such individuals are veterans who have been injured in war. The longer a person writes with a non-dominant hand, the more the quality of handwriting will improve. "However, it will likely never appear completely normal and natural."²³

57. For example, Plaintiff Aelicia Orsi is a 51-year old voter who suffers with tremors caused by a brain injury and epilepsy. Figure 3 illustrates signatures of this voter that exhibit a wide range of variation. Note the smooth line quality of the Driver's License signature compared to the remaining three signatures, and the variation between the two signatures dated September 25, 2020. These variations of one writer could easily be mistaken as differences that indicate two writers which would result in the incorrect rejection of the voter's ballot. And, in Ms. Orsi's case, these variations did, in fact, result in her ballot being rejected during the 2020 general election.

²³ Lanners, B. (2018). A New-Dominant Hand: Training the Non-Dominant Hand to Perform the Complex Task of Handwriting. *Journal of the American Society of Questioned Document Examiners*, Volume 21, Number 2, pp. 19-20.

<p>ABSENTEE BALLOT REQUEST</p> <p>August 2020</p>	
<p>ORIGINAL VOTER STATEMENT</p> <p>September 25, 2020</p>	
<p>SUBMITTED VOTER STATEMENT</p> <p>September 25, 2020</p>	
<p>DRIVER'S LICENSE</p> <p>August 24, 2018</p>	

Figure 3 *Examples of Aelicia Orsi's signatures exhibiting wide variation*

58. Similarly, Plaintiff John McNee is a 71-year-old attorney who has a heart pacemaker and a prosthetic heart valve. Mr. McNee's signatures exhibit a wide range of variation as illustrated in Figure 4. These signatures are typical course-of-business signatures taken from Mr. McNee's checks. It is quite possible that these variations could be misinterpreted as differences by a lay election official who has no knowledge of Mr. McNee's disability. Mr. McNee's "ballot signatures" could therefore be rejected in error. Indeed, Mr. McNee's ballot was rejected for precisely this reason during the 2020 general election.

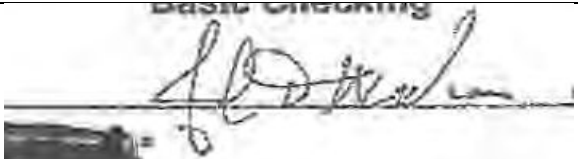

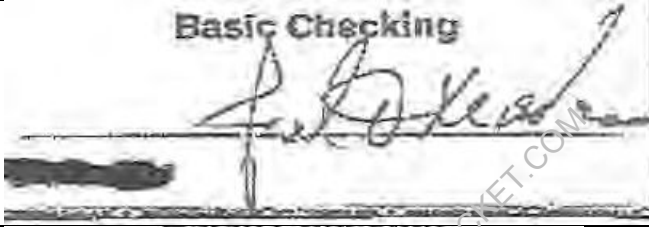

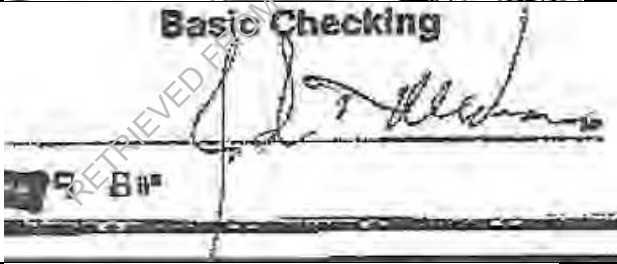
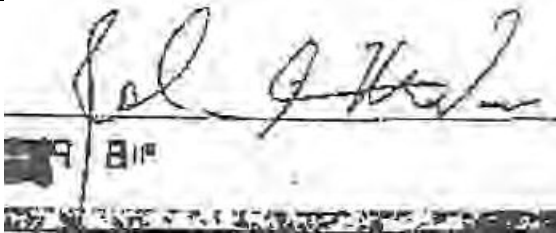
DATE	SIGNATURE
09/15/20	
08/03/20	
06/30/20	
12/31/19	
08/22/19	
05/02/19	

Figure 4 *Check signatures of John McNee showing wide variation over two months*

59. It is highly likely that writers with disabilities will exhibit a wider range of variation in their signatures than might normally be seen in the signatures of a healthy, skilled writer. This

increased variation will not only present a challenge to a trained FDE, but will present an impossible task to a layperson who has to compare one signature on a ballot with one signature on an application for a ballot and make a determination of authenticity.

60. In one case, an elderly voter's ballot signature was rejected due to a signature mismatch. However, the application signature, which was pictorially different from the ballot signature, was written by an authorized person as illustrated in Figure 5.



FIGURE 5 Application for absentee ballot signature on the left with ballot signatures on the right.

61. In Arkansas, the ballot signatures are compared with one reference signature on file with election officials. For voters with disabilities, the lack of an adequate number of specimen signatures to compare against will exacerbate the error rate. Evaluation of signatures executed by ill or disabled writers requires the evaluator to have wide experience with different types of signatures and accurate knowledge of the physical conditions of the individual as this relates to their handwriting.²⁴

²⁴ Hilton, O. (1969). Considerations of the writer's health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No2, 2, p. 162.

F. Arkansas election officials also fail to account for the different signature styles and features, leading to erroneous rejections.

62. One of the reasons that accurate signature comparison determinations prove difficult, even for a trained FDE, is that signatures are written in three different styles²⁵ as illustrated in Figure 5:

- Text-based: Nearly all the letters can be interpreted.



- Mixed: More than two, but not all, letters can be interpreted.



- Stylized: No letters can be interpreted.



Figure 5 *Examples of three signature styles.*

These signature styles exhibit significantly different characteristics that impact the signature-matching analysis, and by extension, the determination of whether signatures are genuine. For example, kinematic features of signatures, such as size, velocity, changes of acceleration, and

²⁵ Mohammed, L., Found, B., Rogers, D. (2008). Frequency of signature styles in San Diego County. *Journal of the American Society of Questioned Document Examiners*, Vol. 11, No. 1, pp. 1-3.

pen pressure are important in determining whether a signature is genuine. Yet these kinematic features vary between the same individual's signatures, with the degree of variations often dependent on the signature style. The kinematic features of stylized signatures, for example, vary more significantly than the kinematic features of text-based signatures. And the less legible a signature becomes, the more the election official depends on their pattern recognition ability. Thus, signature styles can have an impact on the determination of genuineness or non-genuineness. Unfamiliarity with the different signature styles may impact a reviewer's ability to determine whether two signatures come from the same person, and would likely cause a lay person to decide that the compared signatures exhibit "differences" when the changes in features are simply "variations."

63. To determine whether signatures are made by the same individual, a reviewer should focus on holistic features of signatures, such as alignment, slant, pen lifts, rhythm, the size of writing, the slope or slant of the letters, or other characteristics that are diagnostic of the process used to create signatures. These features are subtle, and a writer is usually unaware of the features, as they are excited by the writer's subconscious motor program. These subtle features provide significant evidence of genuineness because they occur in natural handwriting. Lay persons, however, often focus instead on more eye-catching features in evaluating signatures. For example, an eye-tracking study on signature examination found that "Lay participants focused to a greater extent on individual feature characteristics such as arches, eyelets, hooks, shoulders, connections, troughs, or other individual features" that catch the eye, and "appear[ed] less likely to use holistic features" when evaluating signatures.²⁶ Focusing on these eye-catching features is problematic because these are the types of features that a simulator will try to capture.

²⁶ Merlino et al., *supra* note 5, at Results 3.6.QI 68.

Therefore, if the ballot signatures and the specimen signature are pictorially similar, the election official may improperly accept the ballot signatures based on the similarities in eye-catching features without realizing that the signatures are good simulations. A trained FDE should be able to detect subtle features that are indicative of simulation. Properly utilizing the subtle, holistic features of signatures to determine genuineness, however, requires both training and adequate time for review.

G. Arkansas election officials are not tested for form blindness, increasing the risk of erroneous signature match determinations.

64. A laypersons' ability to make consistently correct determinations as to the genuineness of a signature may also be impacted by a condition known as "form blindness," which impairs "the ability to see minute differences in angles, forms, and sizes" ²⁷ Most ophthalmologists agree that form perception is not an eye problem but rather a translational problem. That is, "it is a perceptual inability to distinguish the small differences between shapes, colors, and patterns."²⁸ Therefore, in most cases, form blindness goes undetected, but diminishes a reviewer's ability to make accurate determinations of a signature's genuineness.²⁹ The problem of form-blindness is discussed in detail in Chapter 24 of *Questioned Document Problems*,³⁰ and while FDEs must pass a form blindness test before being trained in handwriting identification, Arkansas requires no such test for election officials. There is a risk that some election officials

²⁷ Bertram, D. (2009). Univ. of S. Miss. *Form Blindness Testing: Assessing the Ability to Perform Latent Print Examination by Traditional Versus Nontraditional Students* Dissertations. 996, p. 33.

²⁸ Moody, Meredith G., "Form-Blindness and Its Implications: A Verification Study" (2016); Honors Theses; Paper 388, page iv.

²⁹ Bertram, *supra* note 27, at 32.

³⁰ Osborn, A.S. (1946). *Questioned Document Problems. The Discovery and Proof of the Facts, 2nd. Ed.* Boyd Printing Company: Albany, NY. Pp. 218-250.

have form blindness, and which would make them particularly prone to making erroneous signature judgments.

H. Even trained FDEs are likely to make erroneous signature comparison determinations under Arkansas’s signature matching procedures.

65. Even for trained FDEs, Arkansas’s signature matching process would be prone to erroneous determinations due to the limited number of comparison signatures and the lack of proper equipment.

66. Normally, FDEs require multiple specimen signatures for comparison with a questioned signature, and often more if issues such as age or illness are involved. These specimens are required to adequately determine the range of variation of the writer and properly account for the reasons for variation within an individual’s signatures discussed above. Indeed, nobody signs the same way twice; no two complex, skillfully written, genuine signatures of one writer have ever been found to be exactly alike, “but such a statement should be understood to be true speaking microscopically, and not as the carpenter measures”³¹ Inadequate standards, or failure to use adequate specimens fully representing the range of variation in a writer’s signature, is a well-known source of error.³²

67. Features observed in the questioned signature(s) may not be observed in the inadequate specimens. This may lead to an erroneous interpretation of a feature as a difference (two writers) not a variation (one writer). Because Arkansas election officials are only required to compare the signature on the voter statement returned with the absentee ballot with one

³¹ Osborn, A. (1910). *Questioned Documents*. The Lawyers’ Publishing Co.: Rochester, NY, p. 281.

³² Huber, R.A. & Headrick, A.M. (1999). *Handwriting Identification: Facts and Fundamentals*. Boca Raton, FL: CRC Press, Chapter 10 Section 45.

reference signature on file, they cannot distinguish accurately between features, variations, or differences. Furthermore, Arkansas election officials may need to compare a voter's original "wet-ink" signature on the voter statement with the voter's application signature which may be on file electronically. According to A.C.A. § 7-5-404(3)(A)(vi)(a), "once verified as a reasonable likeness of the voter's signature, the signature appearing on a copy of an application sent by electronic means shall be presumed to be authentic until proven otherwise," and A.C.A. § 7-5-404(a)(1)(B) states, "If the application is sent by electronic means, the application must bear a verifiable facsimile of the applicant's signature."

68. Comparing a digitized signature with an original "wet-ink" signature has many inherent limitations, some of which are caused by the resolution of the digitized signature, whether the digitized signature is being viewed on a monitor or as a printed item, and the writing instruments used for each signature. If the monitor's resolution is low, or if the digitized signature is a poor copy of the original signature to begin with, this would make it very difficult for an untrained examiner to assess the line quality of the signature. Striations made by ballpoint pens may appear to be gaps in the writing line, and may be interpreted mistakenly as evidence of simulation or forgery. One study found that trained FDEs had similar error rates in evaluating the authenticity of electronic signatures when compared with signatures written with a ballpoint pen as they did in studies when comparing only "wet ink" signatures.³³ It follows that the error rates for untrained election officials will be similar or greater than the errors found in studies cited above for laypersons comparing only "wet ink" signatures.

³³ Heckeroth, J. & Boywitt, C.D. (2017). Examining Authenticity: An Initial Exploration of the Suitability of Handwritten Electronic Signatures. *Forensic Science International*, 275, 153-54.

69. Finally, as discussed above, Arkansas does not require election officials to use or be provided with proper equipment to conduct signature comparisons, such as magnification and lighting equipment. “The the microscope is the instrument which makes it possible to see physical evidence directly that otherwise might be invisible.”³⁴ Without this type of equipment, even a well-trained eye may make errors in a signature authenticity determination.

V. CONCLUSION


70. For the reasons stated herein, it is my professional opinion that Arkansas election officials will inevitably make erroneous signature match determinations when reviewing absentee ballots. In particular, Arkansas election officials are significantly more likely to erroneously conclude that authentic signatures are *not* genuine than they are to make the opposite error—to accept inauthentic signatures as genuine. These erroneous determinations result from the inherent difficulty in making reliable signature authenticity determinations, particularly where, as here, the reviewer lacks training, is provided with an insufficient number of comparison signatures, and does not have access to proper equipment. The use of one application signature as the sole reference sample for comparison with one voter statement signature will most likely exacerbate the error rate. In this context, Arkansas’s signature matching procedures are all but guaranteed to result in the erroneous rejection of properly cast ballots.

³⁴ Osborn, A. S. (1929). *Questioned Documents*. 2nd. Ed. Boyd Printing Company, Albany, N.Y., USA, p. 63.

* * *

I declare under penalty of perjury the foregoing is true and correct.

Executed on June 2, 2022 at Poway _____, California.


Linton Mohammed, Ph.D., D-ABFDE

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APPENDIX 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

APPENDIX 1

Materials Relied Upon

Court Documents

- Plaintiff's Second Amended Complaint, *League of Women Voters of Arkansas v. Thurston*, Case No. 5:20-cv-05174-PKH (W.D. Ark. Jan. 12, 2021), ECF No. 42
- Copies of absentee ballots that were rejected for mismatched signatures, provided to me by Counsel:
 - Peyton Mackenzie Hooks, LWVAR0000037 - LWVAR0000040
 - Marshall Wayne Sutterfield, LWVAR0000089 - LWVAR0000092
 - Lisa M. Montgomery, LWVAR0000217 - LWVAR0000220
 - Martha Patricia Brewer, LWVAR0000241 - LWVAR0000245
 - Clausey Boyes Myton, Jr., LWVAR0000808 - LWVAR0000811
 - Samantha Metzler, LWVAR0001086 - LWVAR0001088
 - Lillian Margoth Henriquez, LWVAR0001096 - LWVAR0001100
 - Patricia Ellen Cox, LWVAR0002108 - LWVAR0002111
 - Bob Ed Scarborough, LWVAR0002157 - LWVAR0002160
 - Tonya Renee Lovercheck, LWVAR0002216 - LWVAR0002219
 - Mohammed Fa Elfaramawi, PCEC12.15.777 - PCEC12.15.782
 - Greta Morgan Michael, PCEC12.15.957 - PCEC12.15.962
 - Monica Verma, PCEC12.15.1074 - PCEC12.15.1079
 - Columbus L. Abrams III, PCEC12.15.1106 - PCEC12.15.1111
 - Erica Patrice Kelly, PCEC12.15.2388 - PCEC12.15.2392
 - Angel Brianna Johnson, PCEC12.15.2404 - PCEC12.15.2408
 - Brian Everton Gittens, PCEC12.15.2434 - PCEC12.15.2438

- Julie Claire Cotros, PCEC12.15.2439 - PCEC12.15.2443

Statutes

- A.C.A. § 7-5-404
- A.C.A. § 7-5-405
- A.C.A. § 7-5-409
- A.C.A. § 7-5-416

Official Voting Materials

- ARKANSAS COUNTY BOARD OF ELECTION COMMISSIONERS PROCEDURES MANUAL (2020),
https://static.ark.org/eeuploads/elections/2020_CBEC_Manual_for_UALR_FINAL_9-10-19.pdf Arkansas Absentee Canvassing Quick Guide
- Arkansas Processing Absentee Ballot Exercises
- *Voter Information: Absentee Voting*, ARK. SECRETARY OF STATE,
<https://www.sos.arkansas.gov/elections/voter-information/absentee-voting> (last visited May 31, 2022)

Academic Literature

- *Cherokee Syllabary*, ENCYCLOPEDIA BRITANNICA,
<https://www.britannica.com/topic/Cherokee-language> (last visited May 31, 2022)
- *Standard for Minimum Training Requirements for Forensic Document Examiners*, SWGDOC,
<https://swgdoc.org/documents/SWGDOC%20Standard%20for%20Minimum%20Training%20Requirements%20for%20Forensic%20Document%20Examiners.pdf> (last visited May 31, 2022)
- *SWGDOC Standard for Examination of Handwritten Items*, SWGDOC,
<https://swgdoc.org/documents/SWGDOC%20Standard%20for%20Examination%20of%20Handwritten%20Items.pdf> (last visited May 31, 2022)
- Linton A. Mohammed, FORENSIC EXAMINATION OF SIGNATURES (2019)

- Brenda N. Lanners, *A New-Dominant Hand: Training the Non-Dominant Hand to Perform the Complex Task of Handwriting*, 21 J. AM. SOC'Y QUESTIONED DOCUMENT EXAM'RS 13 (2018)
- J. Heckerorth & C.D. Boywitt, *Examining Authenticity: An Initial Exploration of the Suitability of Handwritten Electronic Signatures*, 275 FORENSIC SCI. INT'L 144 (2017)
- Meredith G. Moody, "Form-Blindness and Its Implications: A Verification Study" (2016). *Honors Theses*. Paper 388
- Mara Merlino, *Validity, Reliability, Accuracy, and Bias in Forensic Signature Identification*, Dep't Just. Grant 2010-DN-BX-K271, Document 248565, <https://www.ncjrs.gov/pdffiles1/nij/grants/248565.pdf>
- MICHAEL P. CALIGIURI & LINTON A. MOHAMMED, *THE NEUROSCIENCE OF HANDWRITING: APPLICATIONS FOR FORENSIC DOCUMENT EXAMINATION* (2012)
- Dean James Bertram, *Form Blindness Testing: Assessing the Ability to Perform Latent Print Examination by Traditional Versus Nontraditional* (May 2009) (Ph.D. dissertation, University of Southern Mississippi) (on file with author)
- Linton Mohammed, Bryan Found, & Doug Rogers, *Frequency of Signature Styles in San Diego County*, 11 J. AM. SOC'Y QUESTIONED DOCUMENT EXAM'RS 1 (2008)
- Sargur N. Srihari, Harish Srinivasan, Siyuan Chen, & Matthew J. Beal, *Machine Learning for Signature Verification*, in *STUDIES IN COMPUTATIONAL INTELLIGENCE* (Simone Marinai & Hiromichi Fujisawa eds., 2008)
- Moshe Kam, Kishore Gummadidala, Gabriel Fielding, & Robert Conn, *Signature Authentication by Forensic Document Examiners*, 46 J. FORENSIC SCI. 884 (2001)
- Réjean Plamondon & Sargur N. Srihari, *On-Line and Off-Line Handwriting Recognition: A Comprehensive Survey*, 22 IEEE TRANSACTIONS ON PATTERN ANALYSIS & MACHINE INTELLIGENCE 63 (2000)
- ROY A. HUBER & A.M. HEADRICK, *HANDWRITING IDENTIFICATION: FACTS AND FUNDAMENTALS* (1999)
- Christine T. Cusack & John W. Hargett, *A Comparison Study of the Handwriting of Adolescents*, 42 FORENSIC SCI. INT'L 239 (1989)
- Ordway Hilton, *Consideration of the Writer's Health in Identifying Signatures and Detecting Forgery*, 14 J. FORENSIC SCI. 157 (1969)

- BUREAU OF THE CHIEF POSTAL INSPECTOR, 20TH CENTURY HANDWRITING SYSTEMS AND THEIR IMPORTANCE TO THE DOCUMENT ANALYST (1966)
- Ordway Hilton, *A Further Look at Writing Standards*, 56 J. CRIM. L., CRIMINOLOGY & POLICE SCI. 382 (1965)
- Ordway Hilton, *Influence of Serious Illness on Handwriting Identification*, 19 POSTGRADUATE MEDICINE, no. 2, 1956
- A.S. OSBORN, QUESTIONED DOCUMENT PROBLEMS: THE DISCOVERY AND PROOF OF THE FACTS (2d ed., 1946)
- A.S. OSBORN, QUESTIONED DOCUMENTS (2d ed., 1929)
- A.S. OSBORN, QUESTIONED DOCUMENTS (1910)

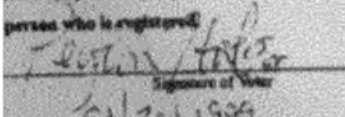

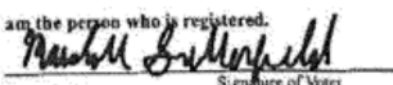
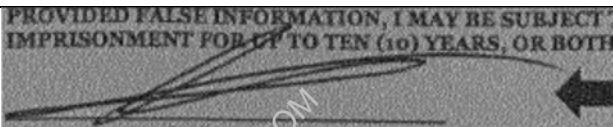
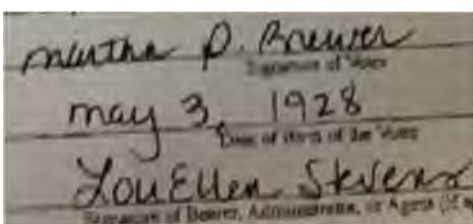



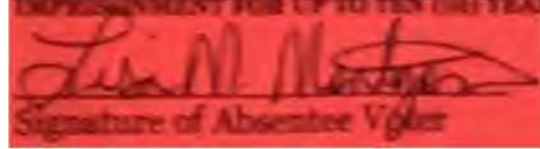
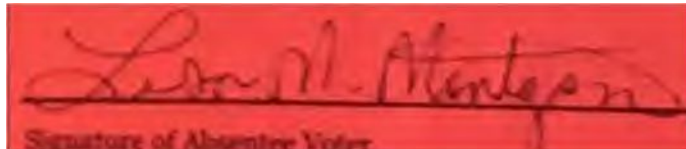




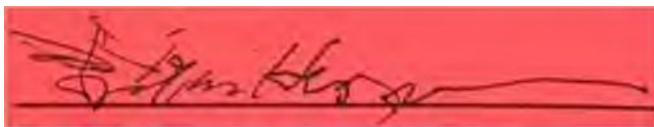
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APPENDIX 2

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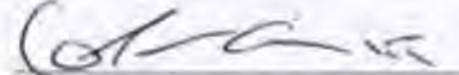
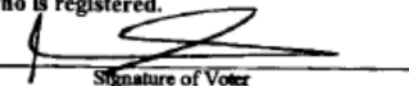



APPENDIX 2

**Sample Signature Comparisons Between
Absentee Ballot Applications and Absentee Ballots**

ABSENTEE BALLOT APPLICATION	BALLOT
 <p>person who is registered. Signature of Voter</p>	
 <p>am the person who is registered. Signature of Voter</p>	 <p>PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH</p>
 <p>Signature of Voter Date of Birth of the Voter Signature of Declarer, Administrator, or Agent (if any)</p> <p>AGE=92</p>	 
	 <p>Signature of Absentee Voter</p>  <p>Signature of Absentee Voter</p>
 <p>Signature of Voter Date of Birth of the Voter</p>	 <p>Signature of Absentee Voter</p>
 <p>AGE=63</p>	 <p>Signature of Absentee Voter</p> 

ABSENTEE BALLOT APPLICATION	BALLOT
<p>ALL INFORMATION PROVIDED IS UNCLASSIFIED</p> <p><u>Samantha Metzler</u> Signature of Voter</p> <p><u>Samantha E Metzler</u> Printed Name of Voter</p>	<p>IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH</p> <p><u>[Redacted Signature]</u></p> <p><u>[Redacted Signature]</u></p> <p><u>Samantha Metzler</u></p>
<p><u>[Redacted Signature]</u></p> <p>AGE=74</p>	<p><u>[Redacted Signature]</u></p> <p><u>[Redacted Signature]</u></p> <p><u>patricia E Cox</u></p>
<p><u>[Redacted Signature]</u></p> <p>AGE=76 09/11/20</p>	<p>IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH</p> <p><u>[Redacted Signature]</u> Signature of Absentee Voter</p> <p><u>[Redacted Signature]</u></p> <p>UNDATED</p>
<p><u>[Redacted Signature]</u></p> <p>AGE=49</p>	<p><u>[Redacted Signature]</u></p> <p><u>Tanya Iovercheck</u></p>
<p>is the person who is registered.</p> <p><u>[Redacted Signature]</u> Signature of Voter</p> <p><u>10/14/1997</u> Date of Birth of the Voter</p>	<p><u>[Redacted Signature]</u></p> <p><u>[Redacted Signature]</u></p> <p><u>[Redacted Signature]</u></p> <p>AR DL ISS. 04/19/19</p>
<p>is the person who is registered.</p> <p><u>[Redacted Signature]</u> Signature of Voter</p> <p><u>1/27/02</u> AGE=20</p>	<p><u>[Redacted Signature]</u></p> <p><u>[Redacted Signature]</u></p> <p><u>[Redacted Signature]</u></p>

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ABSENTEE BALLOT APPLICATION	BALLOT
<p>who is registered.</p>  <p>Signature of Voter</p> <p>AGE=21</p>	
<p><u>Julie Cotros</u></p> <p>Signature of Voter</p> <p>AGE=21</p>	 
<p><u>Jan</u></p> <p>Signature of Voter</p> <p>AGE=47</p>	
<p>who is registered.</p>  <p>Signature of Voter</p> <p>AR DL 2019</p> <p><u>Mohammed Elfaragawi</u></p> <p>Printed or Typed Name of Voter</p>	 
<p><u>Greta Michael</u></p> <p>Signature of Voter</p>	<p>PERSONALMENT FOR UP TO TEN (10) M</p> 
<p><u>Yll James</u></p> <p><u>Yll James</u></p>	 <p>Signature of Absentee</p>

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EXHIBIT B

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Forensic Science Consultants, Inc.

14450 Kentfield Place
Poway, CA 92064
USA

Tel: 858-883-4065 [O]
415-672-3514 [C]
lamqde@gmail.com
www.qdexams.com

Linton A. Mohammed, Ph.D.
Forensic Document Examiner

Diplomate: American Board of Forensic Document Examiners
Diploma in Document Examination - Forensic Science Society (England)
American Society of Questioned Document Examiners (Member & Past-President)
American Academy of Forensic Sciences (Fellow)

Linton A. Mohammed CURRICULUM VITAE

WORK EXPERIENCE

Forensic Science Consultants, Inc., 01/2012 - present

San Francisco, CA

Duties: Forensic Document Examination, expert testimony; research; management.

dba Rile, Hicks, & Mohammed, Forensic Document Examiners, 10/2010 – 01/2012

Long Beach, CA; San Francisco, CA

Duties: Forensic Document Examination, expert testimony; research; management.

dba Associated Document Examiners, 10/1997 – 09/2010

[with approval of San Diego County Sheriff's Department]

San Diego, CA

Duties: Forensic Document Examination, expert testimony; research; management.

San Diego County Sheriff's Department Regional Crime Laboratory, 08/1996 – 10/2010

San Diego, CA

Senior Forensic Document Examiner, (2002 – 2010)

Forensic Document Examiner, (1996 – 2002) Duties:

Conducted examinations in the most complex cases involving: signatures, handwriting, typewriting, machine printing, commercial printing, photocopies, hand stamps, ink, paper, indented impressions, binding materials; restoration and decipherment of alterations, erasures, and obliterations.

Technical Lead - Questioned Documents Section.

Provided training and mentorship for junior examiners. Principal trainer in Forensic Document Examination for Marie Durina (07/2003- 08/2006) and Brenda Lanners (10/2009- 09/2010).

Provided training for investigators and attorneys.

Provided expert testimony in courts of law.

CURRICULUM VITAE – LINTON A. MOHAMMED

Conducted research, presented results at forensic science conferences, and published in peer-reviewed journals.
Produced and maintained the Questioned Documents Section Quality Manuals.
Oversaw the Questioned Documents Section's ASCLD-LAB accreditation status.
Acted as an Audit Team Captain or part of audit teams as per the Laboratory's ASCLD-LAB accreditation protocols.
Participated in proficiency testing.

Laboratory of the Government Chemist, 07/1993 – 07/1996

Teddington, Middlesex, England
Forensic Document Examiner

Caribbean Institute of Forensic Investigations Ltd., 06/1992 – 07/1993

Forensic Document Examiner
Trinidad, West Indies

Trinidad and Tobago Forensic Science Center, 01/1989 – 06/1992

Forensic Document Examiner; Safety Officer
Trinidad, West Indies

Trinidad and Tobago Forensic Science Center, 12/1986 – 12/1988

Chemist 1
Two-year full-time training program in Document Examination. (December 1986-December 1988) at the Trinidad and Tobago Forensic Science Center, Port of Spain, Trinidad. Mr. Robert Fawcett (Staff Sergeant [retired], Royal Canadian Mounted Police) conducted the training, which included the examination of: signatures, handwriting, typewriting, machine printing, commercial printing, photocopies, hand stamps, ink, paper, indented impressions, binding materials; restoration of alterations, erasures, and obliterations, photography, and court testimony.

EDUCATION

Ph.D. (Human Biosciences)

La Trobe University, Melbourne, Australia, 2012 Thesis: "*Elucidating spatial and dynamic features to discriminate between signature disguise and signature forgery behavior*"

Supervisors: Assoc. Prof. Doug Rogers and Dr. Bryan Found

Master of Forensic Sciences

National University, San Diego, CA, 2005

Bachelor of Science (General) [Honors]

University of the West Indies, St. Augustine, Trinidad & Tobago, 1984

CURRICULUM VITAE – LINTON A. MOHAMMED

TEACHING EXPERIENCE

Oklahoma State University, 2006 – present:

Adjunct Assistant Professor

Master of Forensic Sciences Administration and Graduate Certificate in Questioned Documents (online programs)

- Graduate course: Historical Aspects of Questioned Documents (4 hours per week during a semester)
- Graduate course: Technical Aspects of Questioned Documents (4 hours per week during a semester).

PROFESSIONAL CERTIFICATIONS

- Certificate of Qualification in Forensic Document Examination (No. 298) *American Board of Forensic Document Examiners, Inc.*, 1998 (re-certified every 5 years since 1998 to present).
- Diploma in Document Examination *Chartered Society of Forensic Sciences*, 1996 (re-certified every 5 years since 1996 to present).

TESTIMONY EXPERIENCE

Testified over 150 times as an expert witness in Forensic Document Examination in USA (Federal & State courts, depositions), England (High Court & Magistrates' Court), and the Caribbean (High Court & Magistrates' Court).

AWARDS

2019: **Ordway Hilton Award** - American Academy of Forensic Sciences Questioned Documents Section (In Recognition of Outstanding Contributions to Forensic Document Examination).

2012: **New Horizon Award** – American Board of Forensic Document Examiners, Inc. (In Recognition of Exceptional Contributions in Scientific Research for the Advancement of Forensic Document Examination).

PUBLICATIONS

Books

Mohammed, L. *Forensic Examination of Signatures*. Elsevier, 2019.

Caligiuri, M. & Mohammed, L. *The Neuroscience of Handwriting: Applications for Forensic Document Examination*. Taylor & Francis: Boca Raton, 2012.

CURRICULUM VITAE – LINTON A. MOHAMMED

Papers

1. Dror, I., Scheer, K., Mohammed, L., MacLean, C., Cunningham, L. (2020). *Biasibility and Reliability of Forensic Document Examiners*. Forensic Science International (in press).
2. Caligiuri, M., & Mohammed, L. (2019). *Signature Dynamics in Alzheimer's Disease*. Forensic Science International 302 (2019)109880.
3. Ascicioglu, F., Tekin, T., Ozbek, N., Cevik, F., Ozcan, F., Mohammed, L. (2019). *Prepared Disappearing Ink and Decipherment of Documents*. J. Forens. Sci. doi: 10.1111/1556-4029.14084
4. Sang, J., Mohammed, L., McClary, C. (2019). "The Future of Forensic Document Examination" in The Future of Forensic Science, D. Martell (Ed), Hoboken, NJ: John Wiley & Sons, Inc. pp. 121-157.
5. Caligiuri, M., Mohammed, L., Lanners, B., Hunter, G. (2018). *Kinematic Validation of FDE Determinations about Writership in Handwriting Examination: A preliminary study*. Journal of the American Society of Questioned Document Examiners, Vol, 21, No. 1.
6. Mohammed, L., Found, B., Caligiuri, M., Rogers, D. (2015). *Dynamic Characteristics of Signatures: Effects of Writer Style on Genuine and Simulated Signatures*. Journal of Forensic Sciences, January 2015, Vol. 60, No.1.
7. Mohammed L.A. (2013). *History of the Forensic Examination of Documents*. In: Siegel JA and Saukko PJ (eds.) Encyclopedia of Forensic Sciences, Second Edition, pp. 386-390. Waltham: Academic Press.
8. Caligiuri, M., Mohammed, L., Found, B., & Rogers, D. (2012). *Nonadherence to the Isochrony Principle in Forged Signatures*. Forensic Science International 223 (2012) 228–232.
9. Mohammed, L., Found, B., Caligiuri, M., Rogers, D. (2011). *The Dynamic Character of Disguise Behavior for Text-Based, Mixed, and Stylized Signatures*. J Forensic Sci, January 2011, Vol. 56, No. S1 pp. S136-141).
10. Mohammed, L., Ostrum, B. (2010). *Using Adobe Photomerge™ for Demonstrative Evidence*, Journal of the American Society of Questioned Document Examiners, Vol. 13, No. 1.
11. Mohammed, L.A. (2009). *Alterations, Erasures, and Obliterations of Documents*, in Wiley Encyclopedia of Forensic Science, Jamieson, A., Moenssens, A. (eds). John Wiley & Sons Ltd., Chichester, UK, pp. 128-134.

CURRICULUM VITAE – LINTON A. MOHAMMED

12. Mohammed, L., Found, B., Rogers, D. (2008). *Frequency of Signature Styles in San Diego County* – Journal of the American Society of Questioned Document Examiners, Vol. 11 (1).
13. Mohammed, L., Richards, G. (2006). *Thinking Outside the Box* – Journal of the American Society of Questioned Document Examiners, Vol. 9 (2).
14. Mohammed, L., Jenkinson, G. (2002). *Association of counterfeit documents to a printing plate by means of half tone dots* – Journal of the American Society of Questioned Document Examiners, Vol. 5 (1).
15. Mohammed, L. (1999). *Write-On™: A new tool for handwriting comparison* - Journal of the American Society of Questioned Document Examiners, Vol. 2 (2).
16. Mohammed, L. (1999). *An evaluation of documents produced by a high-speed, high-volume scanning process* - Forensic Science Communications, Vol. 1 (3).
17. Mohammed, L. (1998). *Sequencing writing impressions and laser printing or ink-jet printing using the ESDA* - Journal of the American Society of Questioned Document Examiners, Vol. 1 (1).
18. Mohammed, L. (1993). *Signature disguise in Trinidad and Tobago* - Journal of the Forensic Science Society, Vol. 33 (1).

PRESENTATIONS

Workshops

- *Fine and Subtle Elements of Signatures and Handwriting II*
 - Co-presented with Karen J. Nobles and Lloyd Cunningham at the 74th Annual Conference of the American Academy of Forensic Science, Seattle, WA 2021.
- *Motor Control and Kinematics of Signatures and Handwriting*
 - Presented at Inter Forensics, Iguassu Falls, PR, Brazil, 2021 (virtual).
- *The Neuroscience and Kinematics of Handwriting*
 - Workshop for Trainees and Junior Examiners: co-presented with Prof. Michael Caligiuri at the 79th Annual General Meeting of the American Society of Questioned Document Examiners, August 2021 (virtual).

CURRICULUM VITAE – LINTON A. MOHAMMED

- *Development of an Evidence-Based Method for the Examination of Electronic Biodynamic Signatures*
 - Co-presented with Veronica B. Dahir, Ph.D., Charles Edwards, Mara L. Merlino, Ph.D., Danica M. Ommen, Ph.D., & Brent Ostrum at the 13th European Network of Forensic Handwriting Examiners (ENFHEX) Conference and Business Meeting, June 2021 (virtual).
- *Dispelling the Myths About the Forensic Examination of Handprinting*
 - Co-presented with Brett Bishop, Katelyn Bruno, Lloyd Cunningham, and Linda Mitchell at the 72nd Annual Conference of the American Academy of Forensic Sciences, Anaheim, CA 2020.
 - Co-presented with Lloyd Cunningham at the Southwestern Association of Forensic Document Examiners (SWAFDE), Denver, CO 2019.
- *Non-Destructive Examination of Inks (4 hours).*
 - Co-presented with Peter V. Tytell and Derek J. Hammond at the 77th Annual General Meeting of the American Society of Questioned Document Examiners, Cary, NC 2019.
- *The Forensic Examination of Genuine, Disguised, and Simulated Signatures with an Introduction to the Neuroscience and Kinematics of Handwriting (2 days)*
 - Presented at the Scottish Police Authority, Glasgow, Scotland 2018.
- *The Forensic Examination of Original and Copied Signatures*
 - Presented at The Midwestern Association of Forensic Sciences Conference, Cincinnati, OH 2017.
- *Likelihood Approach and Document Examination: What For?*
 - Co-presented with Liv Cadola and Tobin Tanaka at the 21st Triennial Meeting of the International Association of Forensic Sciences, Toronto, Canada 2017.
- *The Examination of Skillfully Simulated Arabic Signatures*
 - Presented at the 2nd Saudi International Conference on Forensic Medicine and Sciences, Riyadh, Kingdom of Saudi Arabia 2017.
- *The Forensic Examination of Genuine, Disguised, and Simulated Signatures with an Introduction to Kinematics of Handwriting*
 - Presented at the Midwestern Association of Forensic Sciences Conference, Branson, MO 2016.
- *Genuine, Disguised, and Simulated Signatures; Kinematics of Handwriting; Formal and Informal Signatures*
 - Co-presented with Lloyd Cunningham at the Australasian Society of Forensic Document Examiners, Inc., Sydney, Australia 2016.

CURRICULUM VITAE – LINTON A. MOHAMMED

- *Document Examination in the USA*
 - 2-day seminar presented at the Institute of Forensic Science Seminar, Beijing, China 2015.
- *Are Fountain Pens Back in Vogue? Characteristics of Fountain Pen Writing and Aqueous Ink Analysis*
 - Co-presented with Lloyd Cunningham, Dr. Valery Aginsky, & William J. Flynn at the 73rd Annual Meeting of the American Society of Questioned Document Examiners, Toronto, Canada 2015.
- *The Forensic Examination of Genuine, Disguised, and Simulated Signatures – with an introduction to the Neuroscience and Kinematics of Handwriting (2 days)*
 - 2-day workshop conducted at the II Brazilian Symposium on Forensic Science, Brazilia, Brazil 2015.
- *The Examination of Skillfully Simulated Signatures*
 - Presented at the 67th Annual Meeting of the American Academy of Forensic Sciences, Orlando, FL 2015.
 - Presented at Canada Border Services Forensic Laboratory, Ottawa, Canada, 2015.
- *Skillful Freehand Signature Simulation* - co-presented with Lloyd Cunningham at the Joint Meeting of the American Society of Questioned Documents Examiners, Inc. & the Australasian Society of Forensic Document Examiners, Inc., Honolulu, HI 2014.
- *Skillfully Simulated Signatures (1/2 day)* – presented at the European Network of Forensic Handwriting Examiners (ENFHEX) meeting, Riga, Latvia, 2013.
- *Signature Examination of Healthy and Impaired Writers (1 day)* - co-presented with Prof. Michael Caligiuri, UCSD, at the American Academy of Forensic Sciences Annual Conference, Washington DC, 2013.
- *Neural Bases and Characteristics of Signature Formation in Writers with Dementia (1/2 day)*
 - Co-presented with Prof. Michael Caligiuri, UCSD, at the 70th Annual General Meeting of the American Society of Questioned Document Examiners, Charleston, SC 2012.
- *Signature Examination - Translating Basic Science into Practice (1 day)*
 - Co-presented with Prof. Michael Caligiuri, UCSD at the American Academy of Forensic Sciences Annual Conference, Seattle, WA 2010.
 - Co-presented with Prof. Michael Caligiuri, UCSD at the American Society of Questioned Document Examiners 68th Annual General Meeting, Victoria, BC, Canada, 2010.

CURRICULUM VITAE – LINTON A. MOHAMMED

- *Genuine, Disguised, and Forged Signatures* (1/2 day)
 - Presented at the 1st Eurasian Congress on Forensic Sciences, Istanbul, Turkey, 2008.
 - Presented at the Victoria Forensic Science Centre, Melbourne, Australia, 2008.
 - Presented at the European Network of Forensic Handwriting Experts (ENFHEX) Meeting, Krakow, Poland, 2009.

Papers

1. Do, D., & Mohammed, L. (2019). *An Evaluation of the Efficacy of an Electrostatic Detection Device as a Screening Tool for Latent Prints*. Presented at the 1st Joint Meeting of the European Network of Forensic Handwriting Experts (ENFHEX) and the European Fingerprint Working Group (EFP-WG), Porto Portugal; the 77th Annual General Meeting of the American Society of Questioned Document Examiners, Cary, NC, and the California State Division of the International Association for Identification Meeting, Burlingame, CA.
2. Caligiuri, M., Ommen, D., Fuglsby, C., Saunders, C., Mohammed, L., Morris, J., Bird, C. (2019). *The Kinematic Modeling of FDE Writership Opinion*. Presented at the 1st Joint Meeting of the European Network of Forensic Handwriting Experts (ENFHEX), and the European Fingerprint Working Group (EFP-WG), Porto Portugal; and the 77th Annual General Meeting of the American Society of Questioned Document Examiners, Cary, NC.
3. Ommen, D., Fuglsby, C., Saunders, C., Caligiuri, M., Mohammed, L., Buscaglia, J. (2019). *Pairwise Comparison Scores for Handwritten Questioned Documents*. Presented at the American Academy of Forensic Sciences 71st Annual Scientific Meeting. Baltimore, MD.
4. Fuglsby C, Mohammed L, Saunders C, Ommen D, Buscaglia J, Caligiuri M. (2018). *FDE Conclusion Scales Parts 1 & 2: Reverend Bayes or Professor Kirk?* Presented at the 76th Annual Conference of the American Society of Questioned Document Examiners, Park City, UT.
5. Ommen, D., Fuglsby, C., Saunders, C., Caligiuri, M., Mohammed, L., Buscaglia, J. (2018). *Pairwise Scores for Designing Handwritten Document Comparisons*. Poster presented at Forensics @NIST, Gaithersburg, MD.
6. McClary, C., Mohammed, L., Caligiuri, M. (2018). *An Analysis of Forensic Document Examiner (FDE) Aptitude in Determining Velocity Rates of Strokes*. Presented at the American Academy of Forensic Sciences Conference, Seattle, WA.
7. Fuglsby, C., Mohammed, L., Buscaglia, J., Saunders, C. (2018). *Sufficiency and Complexity Factors in Handwriting Examination*. Presented at the Impression, Pattern, & Trace Evidence Symposium, Washington, DC.

CURRICULUM VITAE – LINTON A. MOHAMMED

8. Caligiuri, M., Mohammed, L. (2018). *Error Rates in Handwriting Examination*. Presented at the CSAFE Error Rates Symposium, Arlington, VA.
9. Caligiuri, M., Mohammed, L., Lanners, B. & Hunter G. (2017). *Kinematic Validation of FDE Determinations About Authorship in Handwriting Examination*. Presented at the 75th Annual Conference of the American Society of Questioned Document Examiners, San Diego, CA.
10. Mohammed, L. (2017). *The Kinematics of Signatures and Handwriting*. Presented at the 2nd Saudi International Conference on Forensic Medicine and Sciences, Riyadh, Kingdom of Saudi Arabia.
11. Domitrovich, S. Judge, Seaman Kelly, J., Mohammed, L. (2017). *A Review of the Almeciga V. Center for Investigative Reporting, Inc. Decision: Analysis and Counter-Analysis*. Presented at the American Academy of Forensic Science Conference, New Orleans, LA.
12. Mohammed, L. (2016). *Document Examination – not just handwriting*. Presented to the Young Forensic Scientists Forum, American Academy of Forensic Science Conference, Las Vegas, NV.
13. Mohammed, L. (2014). *Kinematic approach to signature analysis*. Presented at the 3rd. International Workshop on Automated Forensic Handwriting Analysis, Honolulu, HI.
14. Mohammed, L. (2013). *Handwriting stroke kinematics*. Presented at the Measurement Science and Standards in Forensic Handwriting Analysis conference, NIST, Gaithersburg, MD.
15. Mohammed, L., Found, B., Caligiuri, M., Rogers, D. (2012). *Dynamics of stroke direction in genuine and forged signatures*. Presented at the American Academy of Forensic Sciences Conference, Atlanta, GA.
16. Mohammed, L., Found, B., Caligiuri, M., Rogers, D. (2009). *Pen pressure as a discriminating feature between genuine and forged signatures* – Presented at the International Graphonomics Society Conference, Dijon, France.
17. Mohammed, L., Found, B., Caligiuri, M, Rogers, D. (2009). *Can dynamic features be used to discriminate between genuine, auto-simulated, and simulated signatures?* - Presented at the 61st Annual Conference of the American Academy of Forensic Sciences, Denver, CO.
18. Mohammed, L. (2008). *Judicial challenges to expert witness testimony in the USA: The Daubert Trilogy* -Presented at the 1st. Eurasian Congress on Forensic Sciences, Istanbul, Turkey.

CURRICULUM VITAE – LINTON A. MOHAMMED

19. Mohammed, L., Found, B., Rogers, D. (2008). *Genuine and disguised signatures – An empirical approach* - Presented at the 60th Annual Conference of the American Academy of Forensic Sciences, Washington, DC.
20. Mohammed, L., Williams, D. (2006). *Preparing demonstrative charts with the use of Adobe Photomerge®* - Poster presentation, American Academy of Forensic Sciences, Seattle, WA.
21. Mohammed, L. (2005). *The Edge of Light™ Scanner* - Presented at the American Academy of Forensic Sciences Conference, New Orleans, LA.
22. Mohammed, L. (2003). *Daubert and documents* – Presented at the California Association of Criminalists Fall Conference, San Diego, CA.
23. Mohammed, L. (2003). *A standardized training program for Forensic Document Examiners – A proposal*- Presented at the 61st Annual Conference of the American Society of Questioned Document Examiners, Baltimore, MD.
24. Mohammed, L. (2001). *Demonstrative evidence and multi-media technology* - Presented at the 59th Annual Conference of the American Society of Questioned Document Examiners, Des Moines, IA.
25. Mohammed, L., Buglio, J., Shafer, A. (2000). *The influence of paper on the performance of the VSC-2000 spectrometer* - Presented at the 58th Annual Conference of the American Society of Questioned Document Examiners, Ottawa, Ontario, Canada.
26. Mohammed, L., Buglio, J. (2000). *The Association of Forensic Document Examiners* - Prepared for the 58th Annual Conference of the American Society of Questioned Document Examiners, Ottawa, Ontario, Canada.
27. Mohammed, L. (1992). *Cocaine and handwriting* - presented at the 50th Annual Conference of the American Society of Questioned Document Examiners, Milwaukee, WI.
28. Mohammed, L. (1991). *Signature disguise in Trinidad and Tobago* - presented at the 49th Annual Conference of the American Society of Questioned Document Examiners, Orlando, FL.

PROFESSIONAL AFFILIATIONS

- American Society of Questioned Document Examiners
 - President, 2010 – 2012
 - Vice-President, 2008 – 2010
 - Treasurer, 2006 – 2008
 - Director, 2004 – 2006
 - Annual Conference Program Chair, 2006 & 2017
 - Chair, Evaluation and Examination Committee, 2002 – 2006

CURRICULUM VITAE – LINTON A. MOHAMMED

- Annual Conference Site Chair, 2002
- Member (1991 -)
- American Academy of Forensic Sciences
 - Board of Directors – 2021-
 - Fellow – Questioned Documents Section
 - Chair – Questioned Documents Section, 2016 – 2018
 - Chair – Inter-Disciplinary Symposium 2018
 - Co-Chair – Inter-Disciplinary Symposium 2017
 - Secretary – Questioned Documents Section, 2014 – 2016
- Fellow – Chartered Society of Forensic Sciences
- Member – Canadian Society of Forensic Science

PROFESSIONAL ACTIVITIES

- Member – Academy Standards Board, 2017 – [Chair – 2020 – 2021]
- Member – Expert Working Group on Human Factors in Handwriting Examination, National Institute of Standards and Technology, 2015 – 2017.
- Member – Physics/Pattern Scientific Area Committee within the National Institute of Standards and Technology Organization of Scientific Area Committees (NIST/OSAC), 2014 – 2016.
- Participant in the General Forensics Technology Working Group, National Institute of Justice, 2011
- Participant in Scientific Working Group on Documents (SWGDOC), 2009 – present
- Grant reviewer for the National Institute of Justice and affiliated agencies, 2009 – present
- Editor - Journal of the American Society of Questioned Document Examiners
- Editorial Review Board Member:
 - Journal of Forensic Sciences (2005-2020)
 - Forensic Science and Technology (China) (2015-2020)
- Guest reviewer:
 - Forensic Science International
 - Science & Justice
 - Australian Journal of Forensic Science
 - Egyptian Journal of Forensic Sciences
 - Arab Journal of Forensic Sciences & Forensic Medicine
 - IEEE Transactions on Cybernetics

CURRICULUM VITAE – LINTON A. MOHAMMED

CONTINUING EDUCATION

- American Society of Questioned Document Examiners, Park City, UT 2018
 - Write-On 3.0 Workshop
 - The Greatest Forger to Ever Get Caught

- American Society of Questioned Document Examiners, San Diego, CA 2017
 - Forensic Science Research: Your Mission to Propose, Innovate, and Collaborate
 - Preparing a Digital Signature File for Forensic Analysis
 - Chinese Handwriting and Signatures Workshop: Hanzi Through the Eyes of the Forensic Document Examiner

 - Write or Wrong? Bias, Decision-Making, and the Use of Contextual Information in Forensic Document Examination

- American Society of Questioned Document Examiners, Pensacola, FL 2016
 - Measuring Frequency Occurrence in Handwriting and Hand Printing Characteristics
 - Sequence of Entries Determination – New Approach to Additional Print

- American Society of Questioned Document Examiners, Toronto, Canada 2016
 - Principles of Forensic Examination of Arabic Signatures

- American Society of Questioned Document Examiners, Honolulu, HI 2014
 - Adobe - Digital Media & Evidence

- American Academy of Forensic Sciences, Seattle, WA 2014
 - Science, Law, and the Inferential Process: The Epistemology of Scientific Conclusions

- National Institute of Standards and Technology (NIST), Gaithersburg, MD 2013.
 - Measurement Science and Standards in Forensic Handwriting Analysis

- American Academy of Forensic Sciences, Atlanta, GA 2012
 - Paper Fundamentals for Forensic Document Examiners
 - Digital Photography for Forensic Document Examiners

- American Society of Questioned Document Examiners, Philadelphia, PA 2011
 - Printing Process Identification for Forensic Document Examiners
 - Using Adobe Photoshop in a QD Workflow

- American Society of Questioned Document Examiners, Victoria, BC, Canada 2010
 - Electronic Recording and Analysis of Handwritten Signatures & Writing

- Cedar Crest College, Allentown, PA 2010
 - Multivariate Analysis for Forensic Scientists: Statistical Pattern Recognition for Physical Evidence Analysis and Chemometrics

CURRICULUM VITAE – LINTON A. MOHAMMED

- American Academy of Forensic Sciences, Denver, CO 2009
 - Estimation of Uncertainty – Is Anyone Certain What This Means?
 - Security Documents before and After the Crime: REAL ID, Physical and Electronic Security Features, Developments in Commercial Printing Technology, and an Introduction to Counterfeit Link Analysis
- American Academy of Forensic Sciences, Washington DC 2008
 - The Applications of Color Analysis and Light Theory in the Forensic Examination of Documents Workshop
- American Society of Questioned Document Examiners, Portland, OR 2006
 - Fine and Subtle Features of Handwriting Workshop
 - Signature Workshop
- Southeastern Association of Forensic Document Examiners, Atlanta, GA 2006
 - Disguised and Forged Signatures Workshop
- American Academy of Forensic Sciences, New Orleans, LA 2005
 - State of the Art Infrared and Ultraviolet Examinations of Documents by the Video Spectral Comparator
- California Criminalistics Institute, Sacramento, CA 2005
 - Technical Writing for Criminalists
- American Board of Forensic Document Examiners, Las Vegas, NV 2004
 - Daubert Seminar
- American Academy of Forensic Sciences, Chicago, IL 2002
 - Note Taking for Forensic Document Examiners Workshop
- Rochester Institute of Technology, Rochester, NY 2002
 - Printing Process Identification and Image Analysis for Forensic Document Examiners
- Limbic Systems, Inc., Bellingham, WA 2001:
 - Measurement of Internal Consistencies Software (MICS)
- American Board of Forensic Document Examiners, Norcross, GA 2000:
 - Canon Photocopier and Facsimile Training Workshop
- California Criminalistics Institute, Sacramento, CA 2000:
 - Special Topics in Questioned Documents
- Southwestern Association of Forensic Document Examiners, Las Vegas, NV 1999:
 - Typewriter Examination & Classification Workshop

CURRICULUM VITAE – LINTON A. MOHAMMED

- American Board of Forensic Document Examiners, Las Vegas, NV 1998:
 - Examination Techniques in Handwriting & Rubber Stamp Cases Seminar
- Canadian Society of Forensic Science 44th Annual Conference, Regina, Saskatchewan, Canada 1997:
 - Digital Image Processing Workshop
- California Criminalistics Institute, Sacramento, CA 1997:
 - Courtroom Presentation of Evidence
- American Society of Questioned Document Examiners 55th Annual Conference, Scottsdale, AZ 1997:
 - Handwriting Workshop
- American Society of Questioned Document Examiners 51st Annual Conference, Ottawa, Canada 1993:
 - Laser Printer Workshop
 - Miscellaneous Document Examination Workshop
- American Society of Questioned Document Examiners 50th Annual Conference, Milwaukee, WI 1992:
 - Signature Workshop
- American Society of Questioned Document Examiners 49th Annual Conference, Orlando, FL 1991:
 - Canon Fax Workshop
 - Deposition Testimony Workshop
 - Expert Witness Workshop
 - Signature Comparison Workshop

April 6, 2022

EXHIBIT C

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IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH JUDICIAL DISTRICT, FIFTH DIVISION

60CV-21-3138

LEAGUE OF WOMEN VOTERS OF ARKANSAS
ARKANSAS UNITED
DORTHA DUNLAP
LEON KAPLAN
NELL MATTHEWS MOCK
JEFFERY RUST

PLAINTIFFS

JOHN THURSTON, In his official capacity as the
Secretary of State of Arkansas
WENDY BRANDON,
SHARON BROOKS,
JAMIE CLEMMEE,
BELINDA HARRIS-RITTER,
WILLIAM LUTHER,
J. HARMON SMITH, each in their official capacities
as members of the
State Board of Election Commissioners of Arkansas

DEFENDANTS

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND MEMORANDUM
ORDER GRANTING DECLARATORY JUDGMENT AND PERMANENT
INJUNCTIVE RELIEF**

The parties appeared for bench trial on March 15, 16, 17, and 18,
2022. Jess Askew, Kevin Hamilton, Matthew Gordon, Harleen Gambhir,
Jessica Frenkel, and Alexi Velez appeared for Plaintiffs. Brittany Edwards,
Trey Cooper, and Kesia Morrison appeared for Defendants.

The Court heard testimony from Dortha Jeffus Dunlap, Nell Matthews
Mock, Jeffery Rust (by video deposition), Dr. Patsy Watkins, Bonnie Miller

(testifying virtually as President, League of Women Voters of Arkansas and its Washington County chapter), Lesley Mireya Keith (Founding Director, Arkansas United), Commissioner Sharon Inman (Pulaski County Board of Election Commission), Dr. Linton Mohammed, Dr. Kenneth Mayer (who testified virtually), Director Daniel Shults (State Board of Election Commissioners), and Joshua Bridges (Election Systems Analyst, Arkansas Secretary of State). The parties stipulated to the admission of numerous documentary exhibits. Before Plaintiffs rested their case, their counsel (Kevin Hamilton) orally moved, without objection, to substitute Wendy Brandon and Jamie Clemmer as Defendants, in their official capacities as members of the State Board of Election Commission in place of former Commissioners James Sharp and Charles Roberts. The Court granted that motion.

Defendants moved for directed verdict after Plaintiffs rested, renewed that motion after the Court denied it, and again renewed their motion for directed verdict after Plaintiffs did not present rebuttal evidence. The Court denied the motions for directed verdict at each juncture. The Court announced from the bench its finding that each of the challenged enactments violates provisions of the Arkansas Constitution which guarantee the right to vote. Accordingly, the Court permanently enjoined

the operation of each enactment. The parties submitted proposed findings of fact and conclusions of law on March 21, 2022. This memorandum opinion and judgment details the findings of fact and conclusions of law upon which the Court's decision rests, and the Court's analysis of the legal issues and proof presented during trial.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This Court has subject matter jurisdiction pursuant to Amendment 80 to the Constitution of Arkansas. This Court has personal jurisdiction over the Defendants under Ark. Code Ann. § 16-4-101(B). Venue is proper in Pulaski County under Ark. Code Ann. § 16-60- 104(3)(A).
2. The League of Women Voters of Arkansas (the "League") and Arkansas United (collectively, the "Organizational Plaintiffs") filed their Complaint for Injunctive Relief and Declaratory Judgment on May 19, 2021. Plaintiffs Dortha Dunlap, Leon Kaplan, Nell Matthews Mock, Jeffery Rust, and Dr. Patsy Watkins (collectively, the "Voter Plaintiffs") joined the Organizational Plaintiffs in filing an amended complaint on July 1, 2021.
3. Act 736 was enacted into law on April 15, 2021, following its passage by the General Assembly. Act 736 requires election officials to examine and verify the signature on voters' absentee ballot

applications to determine if it is similar to a single comparator: the signature on the individual's voter registration application. Ark. Code Ann. § 7-5-404 (2021);

4. Act 973 was enacted into law on April 27, 2021. Act 973 moves the deadline for delivery of absentee ballots in person from the Monday before election day to the close of business of the county clerk's office on the Friday before election day. Id. §§ 7-5-411(a)(3), (4) (2021). Meanwhile, absentee ballots returned by mail are timely if received by 7:30 p.m. on election day. Id. § 7-5-411(a)(1)(A) (2021). Act 973 thus (a) reduces the number of days voters have to return absentee ballots in person, and (b) creates different deadlines based on how an absentee ballot is returned. See Ark. Code Ann. §§ 7-5-404 (2021), 7-5-411 (2021).
5. Act 249 was enacted into law on March 3, 2021, following its passage by the General Assembly. Act 249 eliminates the affidavit failsafe for voters who lack qualifying identification. Previously, a voter without compliant photo identification could cast a provisional ballot that would be counted, without any further action, if the voter completed an affidavit under penalty of perjury at the polls (or, if voting absentee, completed and returned a sworn statement) stating the

voter is the person whose registration information was on the ballot. Ark. Const. amend. 51 § 13(b)(4)(A)(i)(a) (amended 2021). Act 249 removes that option, requiring an individual who does not present a compliant identification, whether in person or enclosed with an absentee ballot, to present compliant photo identification to the county board of elections in person within six days after election day.

6. Act 728 was enacted into law on April 15, 2021, following its passage by the General Assembly. Act 728 prohibits anyone from entering or remaining within a 100-foot perimeter of a polling place's main entrance unless doing so for "lawful purposes." Ark. Code Ann. § 7-1-103(a)(24) (2021). Violations of Act 728 are a class A misdemeanor, punishable by a fine of up to \$2,500 and up to one year in county jail. *Id.* §§ 5-4-201(b)(1) (2009), 5-4-401(b)(1) (2019); see also *id.* § 7-1-103(b)(1) (2021). Any individual convicted of violating Act 728 becomes "ineligible to hold any office or employment in any of the departments in" the State, and if a State employee already, "shall be removed from employment immediately." *Id.*

7. Plaintiff Dortha Jeffus Dunlap is an 86-year-old citizen of the United States and resident of Springdale, Arkansas. She is a retired employee of the United States Census Bureau, has been a member

of the League of Women Voters for almost 53 years, first registered to vote in 1957 when she turned 21, and last updated her registration in 2017, when she moved to her current residence. Plaintiff Dunlap is a registered voter.

8. Plaintiff Patsy Watkins, Ph.D., is a 74-year-old citizen of the United States, resident of Fayetteville, Arkansas, and member of the League of Women Voters of Arkansas. Dr. Watkins has lived in Arkansas since 1983 and in Fayetteville for the past 23 years. Dr. Watkins retired from the University of Arkansas in 2017, where she served as a professor of journalism for approximately 34 years. Dr. Watkins is a registered voter.

9. Plaintiff Nell Matthews Mock is a 73-year-old citizen of the United States and resident of Little Rock, Arkansas. Ms. Matthews Mock is a retired biomedical researcher and has been a member of the League of Women Voters since 1993. Ms. Matthews Mock first registered to vote when she turned 18, shortly after the federal government ratified the 26th Amendment, and first registered to vote in Arkansas after she moved to the state in 1992. She later updated her registration in 2001, after she moved to her current residence. Each time she

registered in Arkansas Ms. Matthews Mock completed a new registration form. Ms. Matthews Mock is a registered voter.

10. Plaintiff Jeffrey Rust is a 69-year-old citizen of the United States and resident of Fayetteville, Arkansas. Mr. Rust has lived in Fayetteville for about 30 years and has been registered to vote in Arkansas for the past 30 years as well. He first registered approximately 50 years ago when the federal government ratified the 26th Amendment. Mr. Rust tries to vote in every election and typically voted in person until the 2020 general election, when he voted absentee due to concerns about contracting COVID-19, concerns that are especially acute because he has had lung surgery. Mr. Rust is a registered voter.

11. Bonnie Miller is President of the League of Women Voters of Arkansas and its Washington County affiliate. Plaintiff League of Women Voters of Arkansas is a nonprofit, nonpartisan membership organization with 323 dues-paying members. The League's mission is to expand and protect voting rights, empower voters, and defend democracy through education and advocacy. In furtherance of its mission, the League educates citizens about their voting rights and the electoral process. The League has a diverse membership

including African-American and Latinx members. Plaintiffs Dortha Jeffers Dunlap, Dr. Patsy Watkins, and Nell Matthews Mock are members of the League.

12. Lesley Mireya Reith testified on behalf of organizational plaintiff Arkansas United. Trial Testimony of Mireya Reith on March 16, 2022 (“Reith Testimony”). Arkansas United is a non-profit organization located in Springdale, Arkansas. Ms. Reith is Arkansas United’s founder and Executive Director and has served in this capacity since 2012. Her duties include fundraising and managing staff at Arkansas United’s offices throughout the state. Arkansas United employs 13 individuals who work on a full or part-time basis. Their duties include reaching Arkansas United’s programmatic goals and coordinating its activities. Arkansas United’s mission is to empower immigrants and their communities to be agents of change. Arkansas United’s membership is approximately 80% Latinx and 20% Asian and Pacific Islander, African American, and Caucasian. Approximately 90% of its members are first- or second-generation immigrants. Arkansas United’s mission includes providing services to Arkansas’s immigrant population such as advocacy, promoting civic engagement, and connecting immigrants with services so they can become better

integrated with their community. Arkansas United operates civic engagement programs throughout Arkansas that include voter registration drives, get-out-the-vote programs, and voter-support programs.

13. Each of the Voter Plaintiffs (Dortha Jeffus Dunlap, Nell Matthews Mock, Dr. Patsy Watkins, and Jeffrey Rust) has standing to sue because each is a citizen of the United States, resident of Arkansas, over the age of eighteen (18), and a registered voter whose right to vote is affected by Acts 249, 728, 736, and 973. The Voter Plaintiffs have standing to challenge voting-related laws “by virtue of their status as registered voters; nothing more is required.” *Martin v. Haas*, 2018 Ark. 283, at 8, 556 S.W.3d 509, 515).

14. The Organizational Plaintiffs (League of Women Voters of Arkansas and Arkansas United) have standing to sue. Organizational Plaintiffs will suffer harm directly. Due to their respective missions, the Organizational Plaintiffs will be forced to expend energies and resources to ameliorate the negative effects of Acts 249, 728, 736, and 973 (the Challenged Provisions). The Challenged Provisions frustrate their missions. Act 728 places members of the Organizational Plaintiffs at the risk of criminal prosecution for

engaging in conduct – such as publicly handing out bottles of water to persons waiting to vote within 100 feet of the primary exterior entrance of a polling location – when that conduct is not prohibited by any law and is protected by the Arkansas Constitution and the Constitution of the United States.

15. Plaintiffs met their burden of proof by a preponderance of the evidence that (1) all four Challenged Provisions (Acts 736, 973, 249, and 728) violate the Free and Equal Elections Clause, Ark. Const. art. 2 § 3, and the Equal Protection Clause, Ark. Const. art. 2 § 3; (2) Acts 736 and 973 violate the Voter 2 Qualifications Clause, Ark. Const. art. 2 § 1; (3) Act 249 violates Section 19 of Amendment 51; and (4) Act 728 violates the rights to freedom of speech and assembly in the Arkansas Constitution, Ark. Const. art. 2 § 4; Ark. Const. art. 2 § 6.

STANDARD OF REVIEW

Plaintiffs allege that four measures enacted by the Arkansas General Assembly following the 2020 general election (Acts 249, 728, 736, and 973) violate the following provisions in the Arkansas Constitution: the Arkansas Voter Qualifications Clause; the Arkansas Right to Speech and Assembly Clauses; Amendment 51's germaneness requirement (see, *Martin v. Haas*, 2018 Ark. 283, 556 S.W.3d 509; the Arkansas Free and

Equal Elections Clause; and the Arkansas Equal Protection Clause.

Defendants argue that the Court should deny Plaintiffs challenges to the challenged measures and assert that each measure is rationally related to a legitimate exercise of legislative power vested in the Arkansas General Assembly (the “rational basis” standard). Thus, Defendants contend that the Court should analyze the challenged measures based on the *Anderson-Burdick* test that federal courts apply when evaluating election-related challenges [see, *Anderson v. Celebrezze*, 460 U.S. 780 (1983); *Burdick v. Takushi*, 504 U.S. 428 (1992)].

Anderson v. Celebrezze involved Rep. John Anderson’s effort to get on the ballot in the 1980 presidential election. Ohio had a rule that required independent candidates, like Anderson, to file in March for the November general election. The U.S. Supreme Court held that this filing deadline was excessively early, violating the First and 14th Amendments.

Burdick v. Takushi involved Hawaii’s prohibition against write-in voting. The Supreme Court upheld that prohibition as a reasonable regulation in the state’s effort to winnow the field of candidates down to a single winner, based on the observation that any candidate had the opportunity to participate in Hawaii’s “open primary” process, and that

being in the primary gave a candidate a fair opportunity to get onto the general election ballot.

In *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), the Supreme Court of the United States was presented with a dispute that resembles the challenges Plaintiffs make in this case. *Crawford* involved a constitutional challenge to an Indiana statute that required persons voting in-person to present government-issued photo identification. After the United States Court of Appeals for the Seventh Circuit affirmed a federal district court decision which granted summary judgment to supporters of the challenged law, opponents of the law sought relief in the United States Supreme Court. The Supreme Court affirmed the lower decisions, but no more than three justices agreed on the standard of review.

Defendants' reliance on the *Anderson-Burdick* "balancing test" approach that was considered but not embraced by a majority of the Supreme Court of the United States in *Crawford v. Marion County Election Board* is unpersuasive. First and foremost, aside from the fact that a majority of the Supreme Court of the United States has never declared the *Anderson-Burdick* "balancing test" as the standard for reviewing election-related challenges under the federal Constitution, the Arkansas Supreme Court has never adopted the *Anderson-Burdick* "balancing test" as the

standard of reviewing the constitutionality of conduct that allegedly violates provisions of the Arkansas Constitution. On the contrary, the Arkansas Supreme Court has “remained steadfast in its adherence to the strict interpretation of the requisite voter qualifications articulated in the Arkansas Constitution.” *Martin v. Kohls*, 2014 Ark. 427, 444 S.W.3d 844.

As far back as 1865, the law in Arkansas has been clear that the “legislature cannot under color of regulating the manner of holding elections which to some extent that body has a right to do, impose such restrictions as will have the effect to take away the right to vote as secured by the constitution.” See, *Rison v. Farr*, 24 Ark. 161 (1865). Almost a century later, our supreme court in *Faubus v. Miles*, 237 Ark. 957, 377 S.W.2d 601 (1964) overturned as unconstitutional legislation passed by the Arkansas General Assembly that purported to substitute a “free” poll tax (for voter registration purposes) in lieu of the poll tax required by Amendment 8 to the Arkansas Constitution, which required that voters “shall exhibit a poll tax receipt or other evidence that they have *paid* their poll tax...” (Emphasis added). *Id.* At 963, 377 S.W.2d at 604.

More recently, the Arkansas Supreme Court emphasized that “[w]hen a statute infringes upon a fundamental right,” it is subject to strict scrutiny and “cannot survive unless ‘a compelling state interest is advanced by the

statute and the statute is the least restrictive method available to carry out [the] state interest.” *Jegley v. Picado*, 349 Ark. 600, 632, 80 S.W.3d 332, 350 (2002) (quoting *Thompson v. Ark. Soc. Servs.*, 282 Ark. 369, 374, 669 S.W.2d 878, 880 (1984)). In addition, when an equal protection challenge brought under Article 2, Section 3 of the Arkansas Constitution implicates a “suspect classification”—such as a classification based on race—it “warrant[s] strict scrutiny.” *Howton v. State*, 2021 Ark. App. 86, at 7, 619 S.W.3d 29, 35 (2021).

Defendants acknowledge that voting is a fundamental right. Hence, the Court must apply what has been clear law on this subject for generations. The Constitution of the United States protects the right of all qualified citizens to vote in state and federal elections. *United States v. Classic*, 313 U.S. 299, 61 S.Ct. 1031 (1941). As was stated in *Classic*, “Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted...” 313 U.S., at 315, 61 S.Ct., at 1037.

The right of suffrage is a fundamental right in a free and democratic society. Especially since the right to exercise the voting franchise in a free and democratic society is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be

carefully and meticulously scrutinized. *Reynolds v. Sims*, 377 U.S. 533, 84 S.Ct. 1362 (1964). The Supreme Court of the United States made it clear generations ago that “fencing” out from the voting franchise a sector of the population *because of the way they may vote* is constitutionally impermissible. *Dunn v. Blumstein*, 405 U.S. 330, 92 S.Ct. 995 (1972); *Carrington v. Rash*, 380 U.S. 89, 85 S.Ct. 775 (1965).

The Court holds that Acts 249, 728, 736, and 973 must be analyzed according to the strict scrutiny standard of review that has been the established judicial standard for testing the validity of governmental measures that infringe on fundamental rights. The settled conviction that the right to vote is fundamental and that alleged infringement “must be carefully and meticulously scrutinized” dictates the conclusion that the *Anderson-Burdick* “balancing test” urged by Defendants is inappropriate for assessing the constitutionality of Acts 249, 728, 736, and 973. Rather, each challenged enactment must be subjected to strict scrutiny review to determine (1) whether it advances a compelling governmental interest, and if so, (2) whether the enactment is the least restrictive infringement on the fundamental right to vote and have one’s vote counted.

ANALYSIS OF THE PROOF

Defendants argue that Acts 249, 728, 736, and 973 were enacted to advance the compelling governmental interests of protecting the integrity of Arkansas elections by preventing fraudulent voting and to promote public confidence in election security. Plaintiffs do not dispute that preventing voter fraud and promoting public confidence in election security are compelling governmental interests. Thus, the Court evaluated the evidence produced at trial surrounding fraudulent in-person, fraudulent absentee voting in Arkansas, the concerns which Defendants assert as motivating factors for the challenged enactments.

A review of the history surrounding voter ID litigation is in order. In 1964, Amendment 51 to the Arkansas Constitution was proposed by initiative petition and approved by Arkansas voters at the general election to abolish the poll tax and establish a comprehensive regulatory scheme for voter registration.

On March 19, 2013, both houses of the Arkansas General Assembly passed Act 595, which required Arkansans to provide “proof of identity” when voting at the polls. Section 1 of Act 595 required proof of identity in the form of a voter-identification card or a document or identification card showing the voter’s name and photo that was issued by the United States,

the State of Arkansas, or an accredited postsecondary education institution in Arkansas with an expiration date. Then Governor Mike Beebe vetoed Act 595 because he questioned its constitutionality. In his letter to the Arkansas Senate, Governor Beebe wrote that Act 595 was “an expensive solution in search of a problem” and was “an unnecessary measure that would negatively impact one of our most precious rights as citizens.” After the veto was overridden by the Arkansas Senate and the Arkansas House of Representatives, a lawsuit was filed seeking declaratory and injunctive relief which challenged the sections of Act 595 that imposed the photo ID requirement.

Article 3, Section 1 of the Arkansas Constitution states:

Except as otherwise provided by this Constitution, any person may vote who is:

- (1) A citizen of the United States;
- (2) A resident of the State of Arkansas;
- (3) At least eighteen years of age; and
- (4) Lawfully registered to vote in the election [As amended by Const. Amend. 85.]

Ark. Const. Article 3, § 1 (Supp. 2013).

In *Martin v. Kohls*, 2014 Ark. 427, 444 S.W.3d 844, the Arkansas Supreme Court held that Act 595 of 2013, which required voters to show proof of identity in the form of a photo identification, was facially unconstitutional because it imposed an additional requirement to vote that

“falls outside the ambit of article 3, section 1, of the Arkansas Constitution. *Martin*, 2014 Ark. 427, at 15, 444 S.W.3d at 852-53.

Following that decision, the Arkansas General Assembly passed Act 633 of 2017. Act 633 required Arkansas voters to provide verification of voter registration in the form of a document or identification card that shows the person’s name and photograph, issued by the federal or state government or an accredited postsecondary educational institution in Arkansas, and is no more than four years expired if displaying an expiration date. An in-person voter who does not present to the election official compliant identification may cast a provisional ballot, not a regular ballot.

Under Act 633, the provisional ballot of a person seeking to vote without the compliant photo identification can be counted in either of two ways. One way is by completing a sworn statement at the polling site, under penalty of perjury, stating that the voter is registered to vote in Arkansas and that he or she is the person registered to vote (the “voter identity affirmation”). Another way to have the provisional ballot counted is to present a compliant form of photographic identification to the county board of election commissioners or the county clerk by 12:00 noon on the Monday following the election. If the voter identity affirmation is signed at the polling site or if the voter later presents compliant photo identification as

described above, the provisional ballot shall be counted if the county board of election commissioners “does not determine that the provisional ballot is invalid and should not be counted on other grounds.” *Id.* § 2, 2017 Ark. Acts at 3073.

In *Martin v. Haas*, 2018 Ark. 283, 556 S.W.3d 509, the plaintiff filed a declaratory judgment complaint seeking a court ruling that Act 633 of 2017 was unconstitutional and to enjoin its enforcement. The plaintiff contended that the photo identification requirement and related voter identify affirmation requirements violated Article 3, Section 2 of the Arkansas Constitution because it constituted an impairment on the ability of qualified Arkansas voters to cast valid ballots. After Circuit Judge Alice Gray upheld the facial unconstitutionality challenge to Act 633 and entered a preliminary injunction order prohibiting and enjoining the Secretary of State and State Board of Election Commissioners from enforcing its requirements, the Arkansas Supreme Court granted a stay of the preliminary injunction ahead of the May 2018 preferential-primary election and later reversed Judge Gray’s judgment that Act 633 was facially unconstitutional. In doing so, the Arkansas Supreme Court held that the Secretary of State and State Board of Election Commissioners that the Arkansas General Assembly had the power to enact Act 633 as a measure that was germane to Amendment 51

to the Arkansas Constitution as part of the comprehensive regulatory scheme for conducting elections.

Act 249 Proof

Following the November 2020 general election, The Arkansas General Assembly passed Act 249 in March 2021. Act 249 eliminated the provision in Act 633 that allowed a voter who failed to produce a compliant photo ID when voting in person to sign an affidavit, under penalty of perjury, attesting to his or her identity, residence, and qualification to vote. Consequently, a voter must now personally present a compliant form of photographic identification to the county board of election commissioners or the county clerk by 12:00 noon on the Monday following the election. Unless the voter does so, the provisional ballot will not be counted. Plaintiffs allege that Act 249 impairs their right to vote.

Dortha Jeffus Dunlap

Plaintiff Dortha Jeffus Dunlap is an eighty-five years old voter. Ms. Dunlap testified that she mailed her absentee ballot for the November 2020 general election and would prefer to drop off her absentee ballot in the future. Ms. Dunlap testified that due to her age, the fact that she rarely drives, and primarily relies on her family to get around, she is unsure if she will renew her Arkansas driver's license (one of the documents that will

satisfy the photo ID requirement) when it expires in August of 2025. Ms. Dunlap is concerned Act 249 will burden her right to vote because four years after her license expires, she will not have the requisite form of identification to cast a ballot. Although the state offers a free voter ID, Ms. Dunlap testified that her mobility issues will make it difficult for her to get one because she will need to be taken to be photographed to obtain a photo ID when her current driver's license expires because Act 249 eliminated the affidavit exception to the photo ID requirement.

Bonnie Miller

Bonnie Miller, President of the League of Women Voters of Arkansas, testified that the League is concerned about how Act 249 will affect its members and the public. Some League members live in rural areas, and some do not have driver's licenses. Id. Without the option to complete an affidavit, members who live in remote rural areas will have to incur additional time and transportation costs if they do not bring their ID to the polling location. Id. And if members do not have one of the accepted forms of ID, they will have to incur even more time and transportation costs to obtain one. Members who vote by absentee ballot will also be affected by Act 249 because they, too, now lack the option to complete an affidavit in lieu of sending a copy of their qualifying ID with their absentee ballot, an

option members may have used in the past. Members who must return a copy will incur additional costs associated with locating and using a photocopier machine to make and return a copy of their ID with their ballot. In the past, the League has provided photocopying and printing services and has also provided services transporting members. If resources permit, the League may provide these services to assist members in obtaining copies of their IDs or in traveling to obtain a qualifying ID; however, doing so will be resource-intensive and will put additional strain on the League's already limited budget and resources.

Mireya Reith

Lesley Mireya Reith testified on behalf of Plaintiff Arkansas United, a non-profit group whose mission involves immigrant advocacy, education, and civic engagement. Ms. Reith testified that numerous Arkansas United members used the affidavit fail-safe provision when they voted in person during early voting or on election day because they do not have driver's licenses. The effect of Act 249 on those voters would mean they would be unable to vote until they obtained a photo ID. Many Arkansas United members do not have computers and copiers or other equipment needed to produce photo IDs. Many AU members work two or three jobs, and are unable to go to a courthouse or other location to be photographed for a

government-issued ID. Those registered voters will be disenfranchised by Act 249.

Commissioner Susan Inman

Commissioner Susan Inman testified that she is currently a member of the Pulaski County Election Commission, former elections official in the Arkansas Secretary of State's office during a previous administration, founded and headed a non-profit corporation to provide training to election commissioners, and that she has served as an international election observer. The Court recognized Commissioner Inman as an expert witness concerning election procedures in Arkansas, election administration, and election integrity. Commissioner Inman testified that there had been no allegations of fraudulent voting associated with the affidavit exception to the photo ID requirement for in-person voting, and that eliminating the affidavit fail-safe would result in the provisional ballots of qualified Arkansas working class voters who either do not have photo IDs or are unable to take off work and present compliant photo ID to county clerks or election commissioners by the Monday following election day.

Commissioner Inman also testified that as an election commissioner, she accepted provisional ballots from voters who signed the affirmation of eligibility prescribed under prior law (Act 633), and that she does not know

of any instance of voter fraud based on that affirmation (described by counsel for Plaintiffs as “the affidavit fail-safe”). Commissioner Inman described the burdens experienced by voters who do possess or can obtain acceptable photo ID, fail to present it while voting in person, and must return to county clerks with the compliant photo ID. That undertaking will involve significant travel (depending on the distance between where voters reside and the county seat where the clerks are located) to submit the compliant photo ID required by Act 249. According to Commissioner Inman, voters who cannot afford the time and other burdens required to trek from polling locations back to their homes, return with compliant photo ID to county clerk offices, and then return home, will likely be disenfranchised.

Dr. Kenneth Mayer

Dr. Kenneth Mayer from the University of Wisconsin LaFollette School of Public Affairs in Madison, Wisconsin appeared virtually. Dr. Mayer testified that Arkansas now has a “strict voter ID law” because the affidavit fail-safe was eliminated by Act 249. According to Dr. Mayer, academic literature indicate how minority, poor, and elderly voters are less likely to have photo IDs, and are more likely to be disenfranchised by strict voter ID laws. Dr. Mayer also testified that restrictive voting rules such as

Act 249's elimination of the affidavit fail-safe have an independent depressing effect on voter turnout. Arkansas has lower voter turnout than most of the rest of the United States due to the high poverty level and lower education of Arkansas voters, Dr. Mayer opined that the effect of Act 249 would further depress voter turnout in Arkansas. The Court will review Dr. Mayer's expert testimony about Act 249 and the other Challenged Provisions at length later in this opinion.

Defendants presented no evidence that contradicted the testimony from Ms. Dunlap, Ms. Reith, Ms. Miller, Commissioner Inman, and Dr. Mayer about how Act 249 would affect voters, including voter turnout. No evidence was presented that contradicted Dr. Mayer's testimony that minority, poor, and elderly voters are less likely to have photo IDs and more likely to be disenfranchised by strict voter ID laws such as Act 249.

Moreover, Defendants presented no testimony showing that the affidavit fail-safe Defendants championed in *Martin v. Kohl* when Act 633 was challenged was ineffective, meaning that Defendants produced no proof show that removal of the affidavit fail-safe through Act 249 was necessary to ensure election integrity and prevent fraudulent in-person voting. Defendants presented no evidence of voter fraud whatsoever – whether arising from the affidavit fail-safe or otherwise. Director Daniel

Shults of the defendant State Board of Election Commissioners testified that he did not know of any cases of alleged fraudulent in-person voting.

Plainly, Plaintiffs met their burden to prove that Act 249 infringes upon the right of voters who do not have a photo ID. Here, the evidence did more than preponderate in favor of Plaintiffs' challenge to Act 249. The testimony from the aforementioned voter plaintiffs concerning the burden they will face, the testimony from Ms. Reith and Ms. Miller on behalf of the Organizational Plaintiffs, the testimony by Commissioner Inman, and the expert opinion testimony from Dr. Mayer concerning the suppressive effect of eliminating the affidavit fail-safe on minority, poor, and elderly voters was uncontradicted.

Furthermore, Director Daniel Shults and Joshua Bridges (the designated representative at trial for defendant Secretary of State John Thurston) acknowledged during cross-examination that although the 2020 general election was the most successful in Arkansas history, baseless concerns and fears about voter fraud were based on social media misinformation and unsubstantiated allegations broadcast by media outlets. There was no proof that substantiated any purported concern about voter fraud. None of the 75 county clerks in Arkansas testified that the affidavit exception to the photo ID requirement created an opportunity for voter

fraud. Despite misinformation and other concerns about voter fraud that were broadcast through social media and through certain news outlets, Defendants presented no proof that in-person or absentee voter fraud occurred in Arkansas elections before Act 249 was enacted by the Arkansas General Assembly. And it is especially telling that none of the legislators who sponsored and voted for Act 249 testified to substantiate their purported concerns about election integrity and voter fraud.

The uncontradicted evidence compels the conclusion that Act 249 infringes on the fundamental right of Arkansans who are eligible and registered to vote yet lack a photo ID to vote and have their ballots counted. Rather than lessening the disadvantages faced by Arkansans who are registered voters who lack a compliant photo ID to vote and have their vote counted, the Arkansas General Assembly *disqualified* those registered voters by eliminating the affidavit fail-safe without any proof that fraudulent voting happens in Arkansas elections. It necessarily follows that Act 249 is not “narrowly tailored” to accomplish the compelling governmental interest of preventing fraudulent voting.

Act 728 Proof

Act 728 amended Arkansas law concerning electioneering by adding the following provision to Ark. Code Ann. § 7-1-103(a) as follows.

(23) A person shall not enter or remain in an area within one hundred feet (100') of the primary exterior entrance to a building where voting is taking place except for a person entering or leaving a building where voting is taking place for lawful purposes.

Director Daniel Shults of the Board of Election Commissioners and Mr. Joshua Bridges of the Office of the Secretary of State testified that Act 728 was enacted out of concern about electioneering. Arkansas law defines "electioneering" at Ark. Code Ann. § 7-1-103 (a)(8)(C) as "the display of or audible dissemination of information that advocates for or against any candidate, issue, or measure on a ballot," and further states:

(ii) "Electioneering" includes without limitation the following:

- (a) Handing out, distributing, or offering to hand out or distribute campaign literature or literature regarding a candidate, issue, or measure on the ballot;
- (b) Soliciting signatures on a ballot;
- (c) Soliciting contributions for a charitable or other purpose;
- (d) Displaying a candidate's name, likeness, or logo;
- (e) Displaying a ballot measure's number, title, subject, or logo;
- (f) Displaying or dissemination of buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information; and
- (g) Disseminating audible electioneering information.

Electioneering is a Class A misdemeanor in Arkansas punishable by up to one year in county jail and/or a fine of not more than \$2500.

Plaintiffs presented testimony through Nell Matthews Mock, Mireya Keith, Dr. Patsy Watkins, Bonnie Miller, Jeffrey Rust, Commissioner

Susan Inman, and Dr. Kenneth Mayer about the impediments Act 728 will present on voting.

Nell Matthews Mock

Ms. Matthews Mock testified that due to health conditions (osteoporosis and stenosis) she has difficulty standing for prolonged periods of time. Ms. Matthews Mock testified that she voted in person during the November 9, 2021 mileage election in Pulaski County and was not challenged with prolonged standing because “there was no line” due to low voter turnout for that election. However, she waited for more than an hour to vote in 2005, and testified that it would be physically hard to do so now. Ms. Matthews Mock testified that if she were faced with a long line at the polls during early or election day voting she would benefit from people providing water or other comfort measures to her while she waited to vote. And as a member of the non-partisan League of Women Voters, she was concerned about Act 728 because of the vagueness of its “lawful purpose” qualifier.

Mireya Keith

Mireya Keith from Arkansas United testified that Arkansas voters who are immigrants are more likely to need assistance when standing in line while waiting for in person early and election day voting. However, the

prospect of being charged with a misdemeanor while providing water or other comfort relief to persons waiting to vote concerns Arkansas United members, the majority of whom are persons from Latinx, Asian-Pacific Island, and African backgrounds.

Dr. Patsy Watkins

Dr. Watkins is a registered voter who has lived in Arkansas since 1983 and in Fayetteville for the past 23 years. Dr. Watkins retired from the University of Arkansas in 2017, where she served as a professor of journalism for approximately 34 years. Dr. Watkins first registered to vote in 1969 when she turned 21, which was the first election in which she was eligible to vote. Id. She first registered to vote in Arkansas in 1983, and she last updated her voter registration more than 20 years ago, when she moved to her current residence.

Dr. Watkins has health conditions that affect her ability to vote absentee and in person under the Challenged Provisions. She has arthritis in her right hand, her dominant hand, and a kidney condition that requires she stay hydrated and drink water consistently throughout the day. For the past 10 to 12 years, Dr. Watkins has voted in person. Before then, she voted absentee on occasion because her position at the University of Arkansas required her to travel during election season.

Dr. Watkins voted in the November 2020 general election. Dr. Watkins Testimony. She heard that early voting turnout had been high and anticipated election day turnout would be even higher. She voted in person at the Naturals' baseball stadium during early voting on a weekday around 2:30 or 3:00 p.m. She testified that she specifically chose that day and time to avoid long lines because of her medical conditions. Nevertheless, when Dr. Watkins arrived to vote, she noticed the line extended outside the stadium entrance. At first, Dr. Watkins thought the line looked reasonable and waited outside in the heat for approximately 30 minutes. She found it difficult to wait and considered leaving, but she stayed because she did not think the line would be different on other days. The line was even longer once she got inside the stadium. She had not anticipated having to wait in line or outside for so long. The long wait made Dr. Watkins uncomfortable and caused her severe back pain. She did not have water to keep her hydrated while waiting in the heat. No one was offering water to voters waiting in line. Had someone offered her water, she would have accepted it because of the heat and especially her kidney condition.

Dr. Watkins believes Act 728 will burden her right to vote because it is vague. She does not understand what "lawful purpose" means and is unsure whether a friend would be allowed to help her wait in line. She is

also not sure whether volunteers could offer her water or snacks while she's waiting in line. Given her health conditions, assistance would be essential for Dr. Watkins to endure a line like the one she waited in to vote in the 2020 general election without suffering pain and discomfort. She understands that Arkansas law allows disabled individuals to move to the front of a line at a polling place but is unsure how she would prove that and whether she can rely on receiving an accommodation in the future.

Bonnie Miller

Ms. Miller testified that the League of Women Voters of Arkansas is likewise concerned about how Act 728 will affect its activities. Expanding voter access, ensuring that all eligible citizens are fully enfranchised and able to exercise their right to vote are all central to the League's mission. Act 728 is antithetical to the League's mission and impairs the League's ability to support voters or fulfill its mission.

The League accomplishes its mission through various activities and get-out-the-vote programs, voter registration drives, and voter support efforts before, on, and after election day. In this respect, election day is the League's most important day because it spends substantial time, effort, and resources helping Arkansans ensure their ballots are properly cast and canvassed.

League volunteers offer a wide range of assistance including transportation assistance, physical assistance with waiting in line, and helping voters figure out how to navigate the polling location. The League does not organize polling place volunteer efforts on election day, but it encourages its members to engage in these activities and the League's members do so in the League's name. To provide this level of meaningful assistance, League members must operate within the 100-foot perimeter because some forms of voter support, like handing out water or snacks or assisting voters in line, require the volunteers to be in close proximity to voters.

As a result, the League and its members' election day activities will be affected by Act 728. According to Ms. Miller, the League is unlikely to encourage its members to engage in these activities if Act 728 remains in effect because it is unclear who is permitted in the 100-foot zone, and the League does not want its members to risk arrest, criminal prosecution, and the risk of Act 728's criminal penalties (one year in county jail and/or fine of up to \$2500) if these polling place support activities are not permitted.

Jeffrey Rust

Plaintiff Jeffrey Rust is a 69-year-old resident of Fayetteville, Arkansas whose video deposition was presented at trial on March 15, 2022

("Rust Testimony"). Mr. Rust has lived in Fayetteville for about 30 years, has been registered to vote in Arkansas for the past 30 years, and first registered to vote approximately 50 years ago when the federal government ratified the 26th Amendment. Mr. Rust tries to vote in every election and typically voted in person until the 2020 general election, when he voted absentee due to concerns about contracting COVID-19, concerns that are especially acute because he has had lung surgery. Mr. Rust found voting absentee easier and more comfortable and would prefer to continue to vote absentee in the future. However, Mr. Rust most recently voted in the 2021 sales tax extension and voted in person because he had not applied to vote absentee. Mr. Rust testified that he is concerned that Act 728 will burden his right to vote because he relies on a cane to walk and cannot stand for long periods of time without assistance. He is unsure whether his wife or daughter would be able to assist him if he votes in person and has to wait in line, and expressed concern that under Act 728, he would be forced to leave a line in which he physically cannot wait without their help.

Commissioner Susan Inman

Commissioner Inman explained that Act 728 is unnecessary because a separate law against electioneering is already being enforced by

poll workers and election officials. To comply with that law, poll workers mark the 100-foot zone against electioneering before polling locations are opened. Poll workers are vigilant to ensure that no one is coming within that 100-foot radius to engage in electioneering. When poll workers observe electioneering within the 100-foot zone, they ask offenders to stop, and if offenders refuse to do so or otherwise persist in electioneering poll workers summon law enforcement officers for assistance.

Commissioner Inman has assisted and encouraged family and friends to vote, including encouraging neighbors and friends waiting in line at the polls. Under Act 728, she is unsure whether she will be able to continue to engage in those activities. She understands the 100-foot area to be a zone where people are not bothered by campaigning but is uncertain whether she will be in violation if she stops within the zone for any reason other than entering or exiting the polling location.

Dr. Kenneth Mayer

Dr. Kenneth Mayer testified virtually as an expert on behalf of the Plaintiffs. Dr. Mayer is an expert in political science, statistical and quantitative analysis of voting, voter behavior, voter turnout, and election administration. He is a full professor in the political science department at the University of Wisconsin-Madison, where he has been on the faculty

since August 1989. Before rising to that position, Dr. Mayer earned his Bachelor of Arts in political administration with a minor in applied mathematics from the University of California, San Diego. He then earned both his Master of Arts and Ph.D. in political science from Yale University.

In the last 10 years alone, Dr. Mayer has authored and published publications in at least ten peer-reviewed journals and five law reviews across the nation and abroad. His work has been cited by the U.S. Government Accountability Office and legislative research offices of Connecticut and Wisconsin. He has been retained by the U.S. Department of Justice to review and analyze data and methods of election administration in Florida, and the Wisconsin Government Accountability Board to review their compliance with federal mandates and reporting systems. In the past nine years alone, he has been retained as an expert in no less than 20 state and federal proceedings related to elections administration, absentee ballots, or other similarly related subjects. Dr. Mayer's expert opinions have never been excluded by any court whether scrutinized under Daubert or any other standard. And courts have in fact cited his expert opinion in their decisions, finding they were reliable and persuasive.

Plaintiffs retained Dr. Mayer to opine on the effects of the Challenged Provisions. Dr. Mayer opined that the Challenged Provisions will “impose direct and indirect costs on voters and force voters to overcome specific burdens to cast their ballots.” These burdens are very likely to decrease turnout, make it harder to vote, and disenfranchise Arkansas’s most vulnerable subpopulations. Moreover, the Challenged Provisions will not produce any material contributions to elections administration, security, or integrity. Because the Challenged Provisions impose costs and burdens on voters that will reduce turnout and provide no benefit, they are “administrative deadweight,” a public administration term for requirements that create additional administrative costs and hurdles without any benefit. In reaching his opinion, Dr. Mayer relied on a collection of data and academic literature and analyzed the Challenged Provisions using “the cost of voting framework,” which is the foremost political science model for understanding how voting behavior and turnout is affected by changes in administrative practices.

Dr. Mayer testified that “the cost of voting framework” has been empirically tested for the past 60-70 years. It is considered canonical among experts and academics as the starting point for almost every analysis of voter turnout and the effect of administrative practices on

turnout. The “cost of voting framework” assesses the costs and benefits of the voting process and looks at how those costs impact voters.

According to Dr. Mayer, the “cost of voting framework” shows that socioeconomic status is strongly correlated with voter turnout. Lower educational attainment and income are directly related to lower voter turnout. Higher educational attainment and income are directly related to higher voter turnout. Voters with higher educational attainment and income have a better perception of the benefit of voting, pay closer attention because they have an easier time understanding and overcoming the administrative burdens, and consequently, are more likely to overcome the costs of voting.

Dr. Mayer testified that before the Challenged Provisions were enacted, Arkansas already had one of the strictest, if not the strictest, voting regimes in the United States. The combination of a 30-day cut-off for registration, strict absentee voting rules, lack of online voter registration, lack of online absentee applications, and non-strict voter ID laws working in concert have depressed voter turnout so much that Arkansas has among the lowest turnout of any state, both overall and among African-American populations. State level turnout from 2008 to 2020 shows that Arkansas has been in the bottom five states every year except 2014, an anomalous

year that saw the lowest turnout nationwide since 1942. Arkansas has the lowest maximum turnout, 56.1% in 2020, of any state in any year between 2008 and 2020.

Dr. Mayer testified that the depressive effects of Arkansas's strict voting regime are most severely felt by Arkansas's most vulnerable subpopulations. While turnout is generally low across the state, turnout among African Americans shows just how severely Arkansas's voting regime impacts African Americans. In 2008 and 2010 Arkansas had the lowest turnout among African Americans in the entire nation and in the years since has never risen above 60%.

Dr. Mayer testified that the statistical relationship between poverty and voter turnout in Arkansas has remained the same since 2012—as poverty levels increase, voter turnout decreases. Poverty levels even depress voter turnout among registrants who have already overcome the initial administrative burden of registration. In 2020, the percentage of registrants who voted, 66.9%, was twenty-five percentage points behind the national figure of 91.9%.

In the opinion of Dr. Mayer, Arkansas has a “restrictive voting regime” that has had a depressive effect on voter turnout and kept Arkansas as one of the lowest-turnout states in the nation for years. According to Dr. Mayer,

the data also show that the costs and burdens of voting are not borne equally, but fall disproportionately on the minority and low-income communities, and on those with lower educational attainment.

Dr. Mayer testified that prior to the enactment of the Challenged Provisions, Arkansas already had among the highest absentee ballot rejection rates in the country. In 2020, Arkansas had the highest absentee ballot rejection rate, one that was more than ten times higher than the national average.

Dr. Mayer believes the Challenged Provisions, whether taken individually or collectively, will disenfranchise Arkansas voters. By removing the Affidavit Fail-Safe option, Act 249 transformed Arkansas into what the National Conference of State Legislatures describes as a “strict” voter ID state. A state earns the “strict” designation if its laws require only limited forms of ID with no exceptions. Act 249’s elimination of the Affidavit Fail-Safe removes the method by which more than 1,600 voters in Pulaski County alone voted in 2020. Although Dr. Mayer did not receive data from other counties, he is certain statewide usage exceeds what he observed in Pulaski County. Testimony by Mireya Reith from Arkansas United that members of the Fayetteville community had used the failsafe in recent elections corroborates this opinion.

Dr. Mayer testified that Act 249 also removes the Affidavit Fail-Safe for absentee voters who submit their ballots by mail, but it does not specify what exactly such voters must do to comply. Presumably, voters are expected to include a photocopy of their ID in the envelope with their ballot. But it is unclear that this is sufficient from reading the text of the statute. According to Dr. Mayer, including a photocopy of their ID in the envelope submitted by absentee voters who mail their ballots would prove extremely difficult for the voters in the approximately 14% of Arkansas households who do not have a computer and likely also lack access to a photocopier or printer. Act 249 will have an especially adverse impact on lower socioeconomic, minority, elderly, and younger voters who are less likely to possess the requisite forms of ID. Consequently, the burdens will be most severely felt by those subpopulations and increase the likelihood they are unfairly and erroneously disenfranchised as compared to their fellow citizens.

Act 973 will have a depressive effect for multiple reasons. The various absentee ballot deadlines increase the informational burdens on voters and the potential for confusion. Commissioner Inman's testimony corroborates this as she felt voters who had cast their ballots under the new deadline were more likely to be confused by the new change and

potentially miss the new deadline. Act 973 also increases the likelihood that voters who originally intended to mail their absentee ballots but fear they will miss the deadline because of mail delays, would be turned away if they try to return their ballot in person during the three-day window. Since 2016, more than 1,222 Arkansas voters returned their absentee ballots in person during the three-day window that Act 973 eliminates. Arkansas already had a very high absentee ballot rejection rate compared to other states, and Act 973 will lead to even more rejections and voter disenfranchisement.

Dr. Mayer testified that Act 728 will disproportionately impair and disenfranchise minority voters who are more likely to wait in lines longer than their white counterparts. Minority voters across the nation were more likely to wait at least 30 minutes in line to vote and on average wait nearly 30% longer to vote than their white counterparts. Act 728's lack of clarity creates the additional risk of unequal application of discretion. Given the criminal penalties of Act 728, this is a particularly concerning prospect because minority voters are more likely to face long lines where they will require assistance to endure the wait.

Dr. Mayer's analysis of Act 736 corroborates Dr. Linton Mohammed's expert opinion testimony regarding the unreliability of the signature matching process for verifying voters' identification. The academic literature

shows that signature matching is an inherently error-prone process that relies on subjective standards, election offices use varying methods and standards even when considerable resources are devoted to training, and error rates resulting in improper rejections are high. In a Georgia study that reviewed absentee ballots rejected for mismatched signatures which were subsequently cured to illustrate this problem, the rejection error rates were 32.4% for the 2020 general election and 60.4% for the January 2021 runoff elections that followed.

Dr. Mayer anticipates there to be similar problems in Arkansas where officials employ similarly inconsistent and subjective standards. To confirm this, Dr. Mayer analyzed the signature rejection rates for absentee ballots in Arkansas since data was not available for absentee ballot application rejection rates. Of the counties that did report their data, rejection rates varied widely from county to county, reflecting the inconsistent standards for signature comparison from county to county. Dr. Mayer testified that Act 736 takes the subjective and inherently error-prone signature matching process already in place and exacerbates its effects. This will not only increase overall rejection rates, but also erroneous rejection rates.

Dr. Mayer opined that Act 736 will not enhance election security or integrity. He testified that voter fraud is “vanishingly rare” nationally and in

Arkansas. Since 2002, there have been only four instances of confirmed election fraud in Arkansas. There is no material voter fraud in Arkansas and nothing indicating that Arkansas elections are not secure. Moreover, there have been no instances of fraud or misconduct associated with (1) the Affidavit Fail-Safe eliminated by Act 249; (2) absentee ballots being turned in in-person the day before election day; (3) absentee ballot application signature matching, or (4); people handing out water or snacks to voters waiting in line.

Dr. Mayer's expert testimony was not contradicted.

Act 736 Proof

Act 736 requires that a voter's absentee ballot application signature be "similar" to the one on the voter registration card. Prior law authorized county clerks to compare the signature on an absentee ballot application to voter "records," Act 736 requires that the signature on applications for absentee ballots be similar to the signature on the "voter registration card."

Nell Matthews Mock

Ms. Matthews Mock suffers from osteoporosis, stenosis, and scoliosis, as well as carpal tunnel, arthritis, and bursa in her hands. To alleviate the symptoms, she has had to undergo carpal tunnel release surgery. She also receives steroid injections, the effectiveness of which

wears off over time. Even with treatment, these conditions make Ms. Matthew Mock's hands stiff, swollen, and difficult to use. This impacts her writing and the fine motor control she needs to write by hand or even just sign a document. The onset and extent of Ms. Matthews Mock's symptoms are unpredictable, and she cannot always control or manage them. Her symptoms can last for hours; if she does have to write or sign documents during these bouts of pain, her signature does not look the same.

Depending upon the severity of her symptoms, her signature changes from one day to the next. These changes are not intentional and not under Ms. Matthews Mock's control.

Ms. Matthews Mock has voted absentee three times. Id. She most recently voted absentee in the November 2020 general election and a consequent runoff, to avoid long lines. She plans to vote in the upcoming elections in May 2022 primary election, but her decision whether to vote in person or absentee in future elections will depend on the length of the lines, the state of the COVID-19 pandemic, and her health.

Ms. Matthews Mock believes the Challenged Provisions will impair or forfeit her right to vote. More specifically, she believes Act 736 will make it more likely that her absentee ballot application will be rejected because she did not suffer from arthritis (and the resulting effects of that condition on her

signature) when she registered to vote in 1992 and when she updated her registration in 2001.

Moreover, during the pendency of this lawsuit, Ms. Matthews Mock submitted a public records request to Pulaski County requesting her voter registration application and any absentee ballot applications. Pulaski County did not produce a single voter registration application for Ms. Matthews Mock, indicating that Pulaski County does not have the signature from her any of her voter registration applications on file. Ms. Matthews Mock was never notified that her signature was missing.

Because Pulaski County does not have a signature from Ms. Matthews Mock's voter registration form on file, it does not have the only signature comparator Act 736 allows for her absentee ballot applications under Act 736. See Ark. Code Ann. § 7-5-404. Moreover, the signatures that Pulaski County does have on file for Ms. Matthews Mock vary greatly. Pulaski County produced records of Ms. Matthews Mock's signatures from her June 2020 absentee ballot application, as well as from pollbooks that she signed for elections on November 9, 2021, November 2, 2021, and August 29, 2005. Each of these signatures in her voter record appear different from the signature on her June 2020 absentee ballot application. In fact, her signatures created on November 9, 2021, and November 2,

2021 – just one week apart from one another – appear different. Ms.

Matthew Mock admitted that she can update her signature, but testified that there is no guarantee she will not be suffering from symptoms of her health conditions that affect her signature when she does so—or when she later applies for an absentee ballot.

Jeffrey Rust

Mr. Rust suffers from several medical conditions, including macular degeneration and tremors, that affect his ability to drive, read and write, and stand for long periods of time— and ultimately his ability to vote. *Id.* If he votes absentee in the future, it will be because of his illnesses and physical disabilities.

Mr. Rust's vision is poor and continues to deteriorate. He cannot read the newspaper without holding it close to his face in good light. Mr. Rust must receive injections in his right eye every four to six weeks as treatment for his macular degeneration. Mr. Rust's hand tremors are particularly acute when he signs his name, and as a result, he believes his signature is different every time he signs his name. In fact, on a vacation in Mexico a merchant refused to cash Mr. Rust's traveler's check because his signatures were so significantly different.

Mr. Rust believes his ballot will be similarly rejected under Act 736 because his signature varies so significantly. When questioned during cross examination about his concern about the risk of his application for absentee ballot being rejected for that reason, Mr. Rust responded, “My signature is my signature.”

Dr. Patsy Watkins

Dr. Watkins testified that the Challenged Provisions will impair or forfeit her right to vote. Specifically, she is concerned that under Act 736 election officials will reject her absentee ballot application if the officials determine that her signature is not similar to the signature on her registration application from 1983.

Dr. Watkins never had an absentee ballot application rejected prior to the enactment of Act 736, but she recognizes that a lot is required of people who must do the signature comparisons and she is concerned that they are not trained in forensic signature comparison analysis and is concerned that an erroneous rejection will affect her right to vote.

Dr. Watkins knows she can update her signature by submitting a new voter registration application, but she does not believe this will address the concern because her signature is prone to change—especially because of

her health condition. She finds it unreasonable that Act 736 could require her to update her signature before every election.

Bonnie Miller

Ms. Miller testified that the League conducts monthly training sessions to teach members how to assist other people in registering to vote. Ms. Miller leads and teaches these training sessions via a PowerPoint presentation. Ms. Miller tries to address questions from attendees regarding other topics when she can, but because the training sessions are only scheduled for an hour, doing so can take time away from training attendees how to help other people register to vote. Ms. Miller has been asked questions about each of the Challenged Provisions by attendees at the monthly training sessions. Most often she receives questions regarding how the Challenged Provisions work. Many of the League's members and other trainees express "fear or confusion" about what the Challenged Provisions mean and how the Challenged Provisions will change their ability to vote.

Ms. Miller testified that she receives the most questions about Act 736. Many of the League's members are older and fear that their signatures will not match their registration applications. Most of the older members registered to vote many years ago and have since developed

medical conditions that affect their signature sporadically. Ms. Miller shares these concerns because she suffers from a degenerative neurological disease that attacks her motor skills and her ability to sign documents.

The League is concerned about how Act 736 will affect its members, especially given that many of the League's members are older and have health conditions that impact their signatures. The League is worried that their members will not be able to obtain absentee ballots because the signatures on their voter registration forms will be deemed not similar to the signatures on their absentee ballot applications. Although Ms. Miller is unaware of any members who have reported having their absentee ballot applications rejected due to their signatures in the past, Ms. Miller and the League remain concerned that erroneous rejections will occur under Act 736 because now clerks can use only one point of comparison rather than the entire record of signatures.

Despite the cure provision in Act 736, Ms. Miller believes that the additional steps voters must take within such a short window of time will force members to forego the opportunity to cure. Many members, like Ms. Dunlap, have transportation and mobility limitations that make the cure difficult.

Ms. Miller testified that she does not believe that the ability for members to update the signatures on their voter registration form by reregistering will help avoid the negative effects of Act 736. Registering to vote in Arkansas is burdensome; it cannot be done online, but must be done in person. Furthermore, telling the public and its members that they can update their signature by reregistering to vote to attempt to avoid erroneous rejections under Act 736 is likely to cut against the League's mission of registering voters and expanding the franchise because individuals will choose not to register or vote at all if they think they need to take additional steps such as reregistering each year.

Commissioner Susan Inman

Dr. Inman testified that she first served as an Election Coordinator for Pulaski County Election Commission from 1994 to 2000. She next served in election positions under then-Secretary of State Sharon Priest from 2000 to 2003, including as Director of Elections. She returned to Pulaski County Election Commission as Election Coordinator from 2003 until her retirement in 2009. She has been a member of the League of Women Voters for the past 25 years.

After retiring, Commissioner Inman formed a nonprofit to facilitate communication between election officials across the state, including

specifically the State Board of Election Commissioners and the County Boards of Elections Commissioners, with the goal of helping them share and improve best practices to better serve the public. Commissioner Inman's nonprofit was the only organization that provided for this type of collaboration amongst county officials. No other organization has brought all the state's election officials together since the organization ended in July 2016. While running her nonprofit, Commissioner Inman ran for Secretary of State in 2014 against Mark Martin. She ran again in 2018 against the current Secretary, John Thurston.

In addition to her positions within Arkansas, Commissioner Inman has gained extensive experience serving as an international election observer. Since 1997, Commissioner Inman has monitored elections in Yugoslavia, republics of the former USSR, Russia, and two presidential elections in Ukraine. A considerable amount of training and experience is required to become an election observer. To even be considered for the position, one must be considered an expert in the field of elections administration, and Commissioner Inman has been considered an expert in the field since at least 1997. While overseas, Commissioner Inman was responsible for observing poll sites, opening polls, transporting election materials,

monitoring the tabulation and counting of ballots, and reporting her findings after elections.

Commissioner Inman has also been a member of the State Board of Election Commissioners. While a member of the State Board of Election Commissioners, Commissioner Inman was also elected to a two-year term with the Pulaski County Election Commission but resigned in 2013 to run for Secretary of State. She was re-elected to the Pulaski County Election Commission in May of 2021, and has worked three elections since taking office. Id. 93. Commissioner Inman also has personal experience in training poll workers and other election officials in her duties as Election Coordinator in Pulaski County.

The Court regards Commissioner Inman's testimony as expert evidence, in light of her extensive skills, experience, and training which qualify her as an expert on Arkansas elections and election administration and qualified to give opinion testimony about the impact of the Challenged Provisions on election administrators and voters. Defendants did not object to the Court's qualification of Commissioner Inman as an expert during trial. Commissioner Inman's testimony is also admissible as fact testimony, as it is based on her personal knowledge gained while serving in numerous positions of responsibility concerning election administration.

Commissioner Inman testified that she most recently attended a training for County Boards of Election Commissioners provided by the State Board on February 28, 2022. That training was presented by Daniel Shults, Chris Madison, and Jon Davidson on behalf of the Board.

Commissioner Inman is concerned that each of the Challenged Provisions will impair or forfeit Arkansans' fundamental right to vote.

Commissioner Inman testified about her concerns regarding Act 736. As an elections commissioner responsible for making the final decision of whether to reject or accept signatures on absentee ballots, Commissioner Inman has never received training on how to compare signatures for authenticity. She is similarly unaware of any objective training or standards articulated under Act 736 that clerks must use in their review of absentee ballot application signatures.

In Commissioner Inman's opinion, Act 736's changes to the absentee application process will disenfranchise voters. The previous application process involved more than one signature comparator and allowed clerks to compare application signatures against all the signatures in a voter's record. Clerks typically used the most recent signature on file to make their comparison. Now, under Act 736, they will no longer be able to do this, and

Commissioner Inman thinks this will make it more likely that ballots are rejected.

Commissioner Inman testified that she attended the Board's "2020 County Board of Election Commissioners' Training" led by Director Shults. As part of that training the Board provided guidance regarding signature-comparison in Arkansas elections. Commissioner Inman testified that the training was flawed, vague, and skewed to encourage disqualification of ballots. Part of the Board's guidance said a signature is comparable unless it is "sufficiently dissimilar" to leave the official with "an abiding conviction" that it has been written by someone other than the voter. However, there was no training on the threshold for an abiding conviction. The Board's materials also instruct election officials to determine when the "quantity and severity" of a signature's distinctions "form a convincing case" it has been written by someone other than the voter. But there is no clarification or explanation of when that threshold has been met. The Board provided sample signatures to look at, but they were given only examples of what kinds of signature variations they might see and the decisions they would have to make. Although the training was intended to provide clarity and guidance, the guidance for untrained laypersons was led by untrained

laypersons. Overall, Commissioner Inman felt the training was “all geared towards looking for points of rejections, not to be as fair as possible.”

Commissioner Inman testified that she is concerned about the vagueness of the Board’s guidance and the language of Act 736 because the review process is not standardized or uniform across the state. There is also no guidance regarding what officials should do if they disagree with one another regarding whether a signature matches.

Commissioner Inman mentioned during her testimony what happened when she disagreed with a fellow commissioner on the question of a voter’s signature in the most recent election (she believed that the signature and its comparators were sufficiently similar but the other two commissioners reviewing the signatures disagreed). Commissioner Inman felt they were not “handwriting analysts” sufficiently trained to reject the ballot. The other Commissioners disagreed, believed they were sufficiently trained, and ultimately decided to reject the ballot and disenfranchise that voter.

Dr. Linton Mohammad

Dr. Linton Mohammed testified as an expert on behalf of the Plaintiffs. Dr. Mohammed is a forensic document examiner with more than 35 years of experience and holds a Ph.D. in Human Biosciences from La Trobe University in Melbourne, Australia. Approximately 80% of this work

involves comparison of signatures. Most of Dr. Mohammed's research has involved signature evaluation and comparisons.

Dr. Mohammed has authored 18 peer-reviewed papers, is the author of "Forensic Examination of Signatures," and co-authored another book published in 2018. He has testified as an expert in signature comparisons more than 200 times in both civil and criminal cases across the nation. In that time, his testimony has never been rejected by any court and his credentials have never been challenged.

Dr. Mohammed was retained by Plaintiffs to analyze and provide expert opinion testimony concerning Act 736. His testimony, like that of Dr. Mayer, was compelling. Dr. Mohammed testified that although Act 736 requires that signatures on absentee ballot applications and voter registration form look "similar," in his experience, laypersons typically refer to the process of determining whether signatures are "genuine or not genuine"—the determination he seeks to make in examining signatures as a forensic document examiner—by referring to signature "matching." And laypersons typically refer to how they determine whether signatures are genuine or not genuine by saying they look to see whether the signatures are "pictorially similar or dissimilar." In each case, untrained laypersons are

using unscientific language to refer to the process of determining whether signatures are genuine or not genuine.

Dr. Mohammed explained how Act 736 will affect the reliability of the procedures and techniques of the signature verification process for absentee ballot applications. In Dr. Mohammed's expert opinion, by limiting election officials to a single comparator rather than a range of reference signatures, Act 736 will increase the rate at which absentee ballots will be erroneously rejected because signature matching by untrained laypersons is "inherently unreliable." Laypersons are "inherently unreliable" examiners because they are not trained to evaluate the features they are looking at, nor can they properly evaluate the dissimilarities they observe. This makes laypersons more prone to "Type 2 Errors," where genuine signatures are determined to be non-genuine.

Dr. Mohammed testified that signatures vary from one execution to the next. Even when made by the same person, on the same day, within a short period of time, signatures have a wide range of variations. Variations can occur because of the tool used, the platform used, the writer's age, disabilities, or illnesses, among other reasons.

Dr. Mohammed testified that age is a particularly influential factor. Older individuals whose motor skills have deteriorated will have varied

signatures, as demonstrated by the Voter Plaintiffs. Younger voters, who even at 18 years old have not fully developed their motor abilities, may also have signatures that vary from the time of registration to the next election as their motor abilities develop. Additionally, illiterate writers and writers who speak English as a second language tend to have less pen control than other writers and therefore have greater range of variation in their signatures.

Signatures also vary because writers use different styles. Dr. Mohammed testified that a person casually signing for a package at their front door may have a completely different signature just moments later when signing a formal legal document with their attorney. Left-handed persons will also have varied signatures depending upon whether they are using a stylus, writing in a binder, or in a small signature block because of the hook style of writing they use.

Dr. Mohammed testified that in addition to different styles of writing, there are also three different signature styles: text-based, mixed, and stylized. In text-based signatures, the writer's name is legible, while stylized signatures are completely illegible. Mixed signatures combine features of stylized and text-based signatures and have some legible and some illegible features. According to Dr. Mohammed, even trained Forensic

Document Examiners cannot reliably compare signatures made in different styles with each other and would not be able to conclude whether signatures made using different styles are genuine without additional comparators to determine the writer's range of variation. A layperson cannot evaluate signatures of varied styles with any greater reliability, and untrained laypeople are far more likely to conclude erroneously that two such signatures are not genuine because they appear pictorially dissimilar.

Dr. Mohammed testified that any determination whether a signature is genuine or nongenuine depends upon whether the feature or features being examined occur outside "the normal range of variation." But without a range of samples, there is no way to determine "the normal range of variation" and whether a signature's feature is "a variation versus a difference." Any evaluation of comparators without a range of samples would be inconclusive. For that reason, experts agree that document examiners need a minimum of ten comparator signatures to reliably determine whether a signature is genuine.

According to Dr. Mohammed, as unreliable as signature-matching is generally, Act 736 makes the absentee ballot application signature verification process in Arkansas "significantly more unreliable" by limiting county officials to only the signature on the voter's registration form in

determining whether the signature on their absentee ballot application is genuine—giving Arkansas the dubious distinction of being the only state to require a one-to-one comparison for signature matching in electoral processes. By limiting county officials to reviewing only the signature on the voter’s registration application in evaluating whether a signature on an absentee ballot application is genuine, Act 736 makes it impossible for county officials to determine whether features in an absentee ballot application signature fall within a voter’s “normal range of variation.” As a result, county officials are more likely to determine, erroneously, that variations are differences and erroneously reject genuine signatures.

Dr. Mohammed submitted an expert report concluding that Act 736’s, “signature matching rules and procedures, which allow individuals without adequate training—and without guidance—to reject the signatures on absentee ballot applications, will result in a significant number of erroneous rejections.” Pls.’ Ex. 47, at 10. Dr. Mohammed further concluded that, “Arkansas election officials are likely to reject properly completed absentee ballot applications, signed by the correct voter, because of their incorrect determination that the signatures on the absentee ballot applications are not genuine.”

Dr. Mohammed’s expert testimony was not contradicted.

Act 973 Proof

Act 973 shortened the time for in-person return of absentee ballots. Under prior law, designated bearers or persons returning their own absentee ballots in person could deliver the completed ballot to the office of the county clerk on the day before election day. Act 973 shortened the deadline for in-person return of an absentee ballot to the Friday before election day.

Dortha Jeffus Dunlap

Ms. Dunlap is an avid voter who tries to vote in every election. She voted most recently in a February 2022 special election and the 2020 general election, and returned her absentee ballot by mail for the 2020 general election because she had concerns about voting in person. She has opted to vote absentee because it is difficult for her to get to the polls because she is older and suffers from various health conditions which affect her mobility.

However, Ms. Dunlap testified that she is concerned about voting absentee by mail in the future, because of mail delays that she has experienced. For example, she once mailed a Christmas card in mid-December that did not arrive to her friend in New Orleans until mid-

February, and she was shocked it took “two months to travel across two states.”

Ms. Dunlap is a cancer survivor, experiences arthritis and neuropathy in her hands, and uses a wheelchair or walker to get around. The arthritis and neuropathy in her hands makes them stiff and affects her ability to sign her name. Onset of her symptoms is unpredictable and can affect her ability to sign documents from day to day. Her mobility issues prevent her from walking for any serious distance or standing for any period without extreme discomfort. Ms. Dunlap only rarely drives rarely and relies primarily on her family to get around. Because she is driving less and less, Ms. Dunlap does not plan to renew her driver’s license when it expires in August of 2025. She last renewed her driver’s license on September 23, 2021, to purchase a new car with her daughter.

Ms. Dunlap testified that the Challenged Provisions will impair or forfeit her right to vote. She believes that under Act 736 her absentee ballot will be rejected because her arthritis affects her ability to sign her name consistently. The signatures that Washington County has collected for Ms. Dunlap over the years vary significantly.

Ms. Dunlap is concerned Act 973 will affect her ability to vote, because it shortens the time to return her ballot in person. And she is

concerned Act 249 will burden her right to vote because four years after her license expires, she will not have the requisite form of identification to cast a ballot. Although the state offers a free voter ID, the administrative burdens in tandem with Ms. Dunlap's mobility issues will make it difficult for her to obtain such an ID, particularly because Ms. Dunlap expressed concern about imposing upon the younger members of her household for assistance.

Neil Matthews Mock

Ms. Ms. Matthews Mock also believes Act 973 burdens her right to vote because the new deadline eliminates the window of time in which she previously returned her absentee ballot. According to her testimony, she returned her absentee ballot in person during the day or two before election day for a runoff election following the 2020 general election. She did not mail in her absentee ballot because she was concerned it would not arrive in time to be counted because of mail delays. Ms. Matthews Mock would like the opportunity to consider her voting decisions in the days leading up to election day, because she believes citizens ought to make such decisions with care.

Jeffrey Rust

Mr. Rust testified that Act 973 will burden his right to vote because the earlier deadline means he will not be able to wait as long to return his absentee ballot in person as he has in prior years. Additionally, he is concerned that Act 973 reduces opportunities for him to drop off his absentee ballot in person, especially because he is largely dependent on his wife for rides, and she is uncomfortable driving in heavy traffic.

Commissioner Susan Inman

Regarding Act 973, Commissioner Inman testified that in all her years of service in election administration, the deadline to return absentee ballots in person has been the Monday before election day. Commissioner Inman explained that Governor Hutchinson refused to sign Act 973, because, in his words, “[Act 973] unnecessarily limits the opportunities for voters to cast their ballot prior to the election.”

Commissioner Inman agrees with Governor Hutchison that moving the deadline serves no purpose and deprives voters of crucial time to get all the information they need before voting. This is especially important because if an individual votes early or before the deadline, they will not have the opportunity to recall their ballot and change their decision if new information is revealed. Voters often wait until the last minute to cast their

absentee ballots to ensure they can consider late-breaking information before voting.

Furthermore, moving the deadline for in-person return of absentee ballots from the Monday before election day to the Friday before election day provides no administrative benefit because the election workers who handle and canvass absentee ballots are not the same people who staff polling places for early voting and election-day voting, at least in Pulaski County. Based on her experience in election administration, Commissioner Inman believes Act 973 has the potential to confuse experienced voters. For the past thirty years, the deadline for returning absentee ballots in person has been the Monday before election day. Commissioner Inman testified that Act 973's change to the deadline may confuse voters, making it less likely they will return their ballot in time.

For absentee voters who miss the Friday in-person return deadline, mailing the absentee ballot is likely not an option, because the ballot may not arrive by election day. Voters in that situation would have to vote provisionally in person, which is a particularly stressful and uncertain process for voters who presumably had been unable to vote in person had not planned to vote in person. Moreover, Commissioner Inman disputed the purported administrative benefits to election officials of moving the deadline

for returning absentee ballots in person from the Monday before election day to the Friday before election day. According to her testimony, provisional ballots are tendered but not processed until after election day, and must be approved by the County Election Commission.

Due to Commissioner Inman's decades-long experience in election administration in Arkansas, the Court recognized her as an expert witness concerning election administration and procedures in Arkansas. Her testimony about the effect of Act 973 – and the other Challenged Provisions – was not contradicted.

Director Daniel Shults

Director Daniel Shults testified on behalf of the State Board of Election Commissioners ("the Board"). Director Shults formerly served as Legal Counsel to the Board. He testified that the Board is responsible for training local election officials on election laws and receiving and investigating complaints of alleged violations of election laws in Arkansas.

Director Shults testified that the 2020 general election in Arkansas was marked by increased voter turnout and an increase in the number of absentee ballots that were cast. The Board received numerous phone calls and email messages after the November 2020 general election in weeks after the November 2020 general election from members of the public

concerning election security. While the 2020 General Election was the most successful in Arkansas history, public perceptions of election insecurity arose out of misinformation and disinformation promoted on social media outlets and in other public forums.

Director Shults testified that due to the number of voters who contacted the Board with unfounded concerns about election security surrounding the 2020 General Election, the Board issued a typed legal memorandum that explained that election equipment in Arkansas is secure. However, the legal memorandum did not assuage the concerns of ordinary voters, which the Board acknowledged were based on misinformation.

According to Director Shults, Act 736 was crafted to specify the voter registration record election commissioners will use as comparator with the signature on an absentee ballot application to determine if signatures were from the same person. Act 973 was enacted to give election officials additional time to canvass absentee ballots. Act 249 eliminated the affidavit fail-safe formerly provided by registered voters who lacked photo identification.

Director Shults testified that the SBOE received numerous calls and email messages from the public concerning election security. He conceded, however, that the Board is not aware of a single instance of fraud arising

out of alleged false signatures on an absentee ballot application. The Board is not aware of a single prosecution arising out of an alleged false signature on an absentee ballot application.

Director Shults testified that the Board is not aware of a single instance of fraud arising because of the Affidavit Fail-Safe that was eliminated under Act 249. The Board is not aware of any instance in which somebody lied on an Affidavit Fail-Safe. The Board is not aware of any instance in which a prosecuting attorney has charged someone with falsifying an Affidavit Fail-Safe. Director Shults also conceded that Amendment 99 did not require elimination of the Affidavit Fail-Safe and that registered voters who lacked compliant photo identification used the Affidavit Fail-Safe option for years after Amendment 99 was added to the Arkansas Constitution without incident.

Director Shults testified that county clerks—not county election administrators—process absentee ballot applications. The Board provides no training to county clerks on signature comparison or on how to evaluate signature similarity. The Board has no record of how many absentee ballot applications have been rejected on the basis of an alleged signature mismatch.

Director Shults testified that the Board expects signatures to vary over time and the signatures on file may be on file for many years or several decades. To obtain a free voter verification card, voters must travel to their county clerk's office during normal business hours and present two forms of underlying documents to evidence their identity. The Board has no idea how many eligible or even registered Arkansas voters lack such underlying documentation. The Board is not aware of how many, if any, free voter verification cards have been issued since they first became available in 2017. According to Director Shults, the Challenged provisions were enacted to address the impression of election insecurity that was based on misinformation and unfounded allegations about voter fraud surrounding the November 2020 general election.

Director Shults conceded that the words "lawful purposes" as contained within Act 728 do not "add much," but that Act 728 serves to prohibit anyone from entering the 100- foot zone around a polling place unless that person is "ingressing or egressing" from the building where voting is taking place. He admitted that Act 728 does not contain the word "electioneering," in part because electioneering was already illegal within the 100-foot zone around a polling place prior to Act 728. See Ark. Code Ann. § 7-1-103(a)(8). Act 728 does not contain the words "voter

intimidation,” in part because voter intimidation was already illegal prior to Act 728. See Ark. Code Ann. § 7-1-104(a)(5) (it is a “unlawful for any person to make any threat or attempt to intimidate any elector or the family, business, or profession of the elector”); 18 U.S. Code § 594 (“Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose . . . shall be fined under this title or imprisoned not more than one year, or both.”). Act 728 does not contain the word “loitering,” in part because loitering was already illegal prior to Act 728. See Ark. Code Ann. § 5-71-213.

Director Shults acknowledged that requiring an absentee voter to go to the county clerk’s office to present photo ID in person if the voter is unable to include a photocopy of same along with the absentee ballot would “defeat the purpose” of voting absentee. He also testified that Act 973’s shortening of the deadline for returning absentee ballots in person would alleviate administrative burdens associated with handling absentee ballots in person. Director Shults admitted, however, that the Board has no idea: (1) how many absentee ballots were delivered in person as opposed to delivered by mail in any election before November 2020; or (2) how many absentee ballots were delivered in person on the Monday before

election day in any previous election. When questioned by the Court about the purported rationale for Act 973 – that shortening the return date for in-person submission of absentee ballots from the Monday before election day to the Friday before election day would alleviate administrative burdens related to canvassing absentee ballots – Director Shults admitted that election officials must canvass all absentee ballots as of the end of election day in any event until county clerks certify election returns to the Secretary of State ten (10) days after election day (what the Court termed the “drop dead” date during its questions to Director Shults).

Joshua Bridges

Joshua Bridges testified on behalf of Office of Secretary of State John Thurston. Before assuming his current position (Election Systems Analyst) in 2020, Mr. Bridges worked as Election Coordinator, Voter Services Project Administrator, and Election Services Representative for the Office of Secretary of State. Mr. Bridges testified that the Secretary of State is the chief election official in Arkansas.

Mr. Bridges confirmed that the Secretary of State publicly proclaimed that the November 2020 general election was the most successful in Arkansas history. Despite misinformation on social media about the conduct and integrity of that election, misinformation about security of

election equipment, and voter conduct at the polls, Mr. Bridges testified that the Secretary of State's office was confident that ballots were properly cast and accurately counted in that election.

According to Mr. Bridges, the rationale for Mr. Bridges enactment of Act 249 which removed the affidavit fail-safe for persons who do not have compliant photo identification when seeking to vote is to fulfill the goal of "true voter ID." Mr. Bridges testified that Amendment 99 to the Arkansas Constitution which added the photo identification requirement was ratified by 79.47% of the voters. He testified that Amendment 99 did not mandate elimination of the affidavit fail safe for persons without compliant photo identification and that his office does not know of any instance of fraud associated with registered voters who lack compliant photo identification and use the affidavit method of attesting to their identity and voting eligibility.

Mr. Bridges testified that registered voters can obtain a free voter identification card from their county clerk's office during normal business hours by presenting two forms of underlying documents to evidence their identity. He stated that the Secretary of State's office does not know how many registered Arkansas voters lack such underlying documentation and

does not know how many free voter identification cards have been issued by county clerks across Arkansas since 2017.

Concerning Act 736, Mr. Bridges testified that has no record of how many absentee ballot applications have been rejected on the basis of an alleged signature mismatch. He admitted that “signatures aren’t always perfectly identical,” that they change over time, and that signatures can be affected by age and physical illnesses and conditions (i.e., tremors, neuropathy, bursitis, Parkinson’s Disease, multiple sclerosis, alcoholism, and stroke). He admitted not knowing about any instance of fraud arising out of alleged false signatures on an absentee ballot application and does not know that any criminal prosecution has occurred based on an allegedly false signature on an absentee ballot application.

Mr. Bridges testified that the Secretary of State trains election officials not to look at the actual signature when evaluating whether voter signatures are valid on initiative or referendum petitions. Instead, the Secretary’s Office instructs election officials to compare the voter’s information on the petition, such as name, date of birth, and address, to that same information in the voter registration database, while ignoring the signature mark. Mr. Bridges acknowledged that it is important to prevent fraud in the petition process as it is with voting.

Concerning Act 973, which moved the deadline for in-person return of absentee ballots, allows election officials more time to devote to election day duties because county clerks must devote more time and staff to handle in-person absentee ballots, Mr. Bridges testified that his office does not know as to any election how many absentee ballots were delivered in person as opposed to delivered by hand, and does not know how many absentee ballots were delivered in person on the Monday before election day.

On direct examination Mr. Bridges testified that the goal of Act 728 was to “amend the definition of electioneering.” During cross-examination, he acknowledged that Act 728 does not contain the word “electioneering,” that electioneering was already illegal within the 100-foot zone around a polling place prior to Act 728, and that Act 728 was not needed to address loitering and voter intimidation as that conduct was already illegal according to Arkansas law before enactment of Act 728. He was unable to opine about the meaning of “lawful purpose” within Act 728.

CONCLUSION

Plaintiffs clearly met their preponderance of the evidence burden to prove that Acts 249, 728, 736, and 973 violate their voting rights under the Arkansas Constitution.

The Court heard uncontradicted evidence that Act 249 eliminated “the affidavit fail-safe” for persons who fail to present compliant photo ID during in-person early or election day voting. Testimony from Plaintiffs, Commissioner Inman, and Dr. Mayer was uncontradicted about how Act 249 will suppress voting and disenfranchise registered Arkansas voters who lack the means, time, or wealth required to procure compliant photo ID and present it to county clerks in order to vote.

It is worth noting that when Governor Asa Hutchinson forgot to bring a compliant photo ID with him to the polls in 2014, he sent an aide to fetch it rather than be forced to cast a provisional ballot.¹ Most voters are not likely to be able to dispatch aides to rescue their right to cast in-person ballots under similar circumstances.

Act 249 eliminates the chance for in person voters to sign a written statement attesting, under penalty of perjury, to their identity and voter eligibility so they may cast a provisional ballot at the polling site. Act 249

¹ See, [Voter ID-Supporting Candidate Forgets ID, Becomes Latest Victim of Voter ID Law - The Atlantic](#)

also eliminates the chance for voters who cast absentee ballots but lack compliant photo identification to cast their absentee ballots by mail accompanied by a written statement attesting, under penalty of perjury, to their identity and that they are registered to vote, and have their absentee ballots considered as provisional ballots so they can be canvassed and counted by election commissioners. Hence, Act 249 *disqualifies registered voters* who do not possess compliant photo identification from voting, whether in person or by absentee ballot, even if they declare under penalty of perjury that they are who they purport to be and that they are registered to vote.

However, Arkansas does not require photographic proof of identity to register to vote. Arkansas does not require photographic proof of identity when people sign initiative and referendum ballot petitions. The irony of Act 249 is that people who attest, under penalty of perjury, to their identity and voter eligibility are now disqualified from voting their electoral choices because they lack photographic proof of their identity.

Yet, elections officials in charge of safeguarding elections and promoting public confidence in elections and all other persons are allowed to testify in any Arkansas court proceeding every day without being required to produce photographic proof of their identity. They are not

required to bring photo identification to court proceedings. Their opportunity to give testimony in court proceedings is not blocked because they lack photo identification. Their sworn affirmation of self-identity is enough to permit them to testify.

The Court holds that Act 249 does not further the compelling governmental interest of protecting election integrity and promoting electoral confidence. There was no proof during the four-day trial of any fraudulent voting in Arkansas elections. Instead, Director Shults, Mr. Bridges, and Commissioner Inman testified that they know of no evidence of fraudulent voting in Arkansas elections. Secretary of State Thurston publicly boasted that the November 2020 elections in Arkansas were the most successful in history.

Because Plaintiffs proved that Act 249 disqualifies Arkansans who are registered to vote but lack compliant photo identification, Defendants were required to produce proof showing that Act 249 advances the governmental interest in election security and integrity, and that Act 249 is the least restrictive approach for furthering that interest. Defendants did not present that proof.

Arkansas law is clear. Where relevant evidence is within the control of a party in whose interest it would be natural to produce it and that party

fails to do so without satisfactory explanation, the trier of fact may draw the inference that such evidence would have been unfavorable to that party. *See, Arkansas Model Instruction 106A. In this case, the Court need not infer that evidence concerning fraudulent voting in Arkansas is unfavorable to Defendants. The uncontradicted proof in this case is that there is no evidence of fraudulent voting in Arkansas, whether in person or by absentee ballot.* It is beyond ironic, to put it bluntly, that registered Arkansas voters who lack photo identification and attest under penalty of perjury to their identity and voter eligibility can be casually disenfranchised by Act 249 based on purported concerns about voter fraud and election security that election officials admit, under oath and the same penalty of perjury, are baseless or a sham.

The Court also holds that Plaintiffs met the burden of proof by a preponderance of the evidence that the right of registered Arkansas voters who lack compliant photo identification to cast absentee ballots is violated by the provision in Act 736 that limits signature comparison to the signature on one voter registration record. Although Defendants insist that absentee voting is not a right but a choice, the Supreme Court of the United States has made it abundantly clear in numerous decisions that fencing out from the voting franchise a sector of the population because of the way they vote

is constitutionally impermissible and that a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction. See, *Dunn v. Blumstein*, 405 U.S. 330, 92 S.Ct. 995 (1972); *Evans v. Cornman*, 398 U.S. 419, 90 S.Ct. 1752 (1970); *Kramer v. Union Free School District No. 15*, 395 U.S. 621, 89 S.Ct. 1886 (1969); *Cipriano v. City of Houma*, 395 U.S. 701, 89 S.Ct. 1897 (1969); *Harper v. Virginia State Board of Elections*, 383 U.S. 663, 86 S.Ct. 1079, (1966); *Carrington v. Rash*, 380 U.S. 89, 85 S. Ct. 775 (1965). Defendants cite no law holding that the constitutional mandate of equal protection of the law is satisfied when a state that allows persons who have the right to vote and choose to exercise their voting right by casting absentee ballots can impose conditions on them doing so that effectively disenfranchise them based on age, physical condition, whether they are able to write, and the quality of their penmanship.

The testimony of Dr. Linton Mohammed is clear, convincing, and undisputed that Act 736's, "signature matching rules and procedures, which allow individuals without adequate training—and without guidance—to reject the signatures on absentee ballot applications, will result in a significant number of erroneous rejections." Dr. Mohammed further concluded that, "Arkansas election officials are likely to reject properly

completed absentee ballot applications, signed by the correct voter, because of their incorrect determination that the signatures on the absentee ballot applications are not genuine.” Simply put, there is no evidence that the signature comparison standard prescribed by Act 736 will further the governmental interest in promoting confidence in election integrity and preventing voter fraud.

The Court finds that Plaintiffs met their burden of proof by a preponderance of the evidence that Act 728 violates their rights to freedom of speech and assembly that are protected by the Constitution of Arkansas and the Constitution of the United States. There is no law in Arkansas against being within 100 feet of the primary exterior entrance of a polling location and handing out bottled water, providing comfort to persons who are waiting to enter the polling location, or engaging in other lawful conduct. Defendants presented no evidence showing that giving water and other comfort to persons waiting to enter polling places caused disruptions, civil disturbances, violation of laws against electioneering, loitering, and voter intimidation, or any other offenses.

The Court finds that Plaintiffs met their burden of proof by a preponderance of the evidence that Act 973 violates their right to vote. The evidence was clear and convincing that moving the deadline for in-person

return of absentee ballots from the Monday before election day to the Friday before election day provides no administrative benefit because the election workers who handle and canvass absentee ballots are not the same people who staff polling places for early voting and election-day voting, at least in Pulaski County. Based on her experience in election administration, Commissioner Inman testified that Act 973's change to the deadline may confuse voters, making it less likely they will return their ballot in time. The Court found the testimony of Plaintiffs persuasive that for absentee voters who miss the Friday in-person return deadline, mailing the absentee ballot involves the risk that the ballot may not arrive by election day. Voters in that situation would have to vote provisionally in person which Director Shults and Mr. Bridges concede defeats the whole purpose of voting by absentee ballot. As Governor Hutchinson stated when he refused to sign Act 973, "[Act 973] unnecessarily limits the opportunities for voters to cast their ballot prior to the election."

Furthermore, Defendants presented no proof to substantiate the asserted administrative benefit of shortening the deadline for submission of in-person absentee ballots from the Monday before election day to the Friday before election day. All ballots cast during an election by qualified voters as of the end of election day – including absentee ballots that must

be canvassed – must be processed. Provisional ballots must be analyzed by election officials to determine if they will be counted. Although election day ends the time for casting ballots, election officials are obligated to process and canvass ballots after polls close on election day and for the next ten (10) days in order for county clerks to certify election results to the Secretary of State ten days after election day.

The only way moving the deadline for voters to deliver absentee ballots in person to the Friday before election day will reduce the workload for election officials is if registered voters do not submit absentee ballots or if election officials can disqualify and refuse to canvass absentee ballots from voters delivered to county clerks after the Friday before election day, four days before election day and almost two weeks before county clerks must certify election returns to the Secretary of State. As the Court stated when it announced its decision from the bench on March 18, the law is clear that states may not casually deprive a class of individuals of the right to vote because of some remote administrative benefit. See, *Carrington v. Rash*, 380 U.S. 89, 85 S.Ct. 775 (1965).

As the Court mentioned when it announced its decision from the bench on March 18, the law does not permit Defendants to rely on conjecture, speculation, surmise, misinformation, and fear-mongering about

baseless assertions of voter fraud and election insecurity as substitutes for proof. *Glidewell v. Arkhola Sand & Gravel Co.*, 212 Ark. 318, 208 S.W.2d 4 (1948). However, the evidence presented during the trial of this lawsuit demonstrates that Acts 249, 728, 736, and 973 are based entirely on conjecture, speculation, surmise, misinformation, and fear-mongering about allegations of voter fraud and election insecurity. Defendants concede that concerns about voter fraud and election insecurity in Arkansas are baseless and fabricated. Conjecture, speculation, surmise, misinformation, baseless, and fabricated concerns about voter fraud and election insecurity does not constitute competent evidence no matter whether one applies the rational basis or strict scrutiny standard for evaluating the constitutionality of Acts 249, 728, 736, and 973.

In *Strength to Love*, one of his best-read books, Martin Luther King Jr. offered a prescient critique of what he termed “soft-mindedness” in words that fit this case.

Nothing pains some people more than having to think...Few people realize that even our authentic channels of information – the press, the platform, and in many instances the pulpit – do not give us objective and unbiased truth. Few people have the toughness of mind to judge critically and to discern the true from the false, the fact from the fiction. Our minds are constantly being invaded by legions of half-truths, prejudices, and false facts. One of the great needs of mankind is to be lifted above the morass of false propaganda....

And King added this warning.

We do not need to look far to detect the dangers of softmindedness. Dictators, capitalizing on softmindedness, have led men to acts of barbarity and terror that are unthinkable in civilized society. Adolf Hitler realized that softmindedness was so prevalent among his followers that he said, “I use emotion for the many and reserve reason for the few.” In *Mein Kampf* he asserted: “By means of shrewd lies, unremittingly repeated, it is possible to make people believe that heaven is hell – and hell, heaven... The greater the lie, the more readily will it be believed.”²

King did not need to be a lawyer, judge, legislator, or governor to recognize that softminded embrace of what he termed “legions of half-truths, prejudices, and false facts” is a recipe for fascism.

Plaintiffs met their burden to prove that Acts 249, 736, and 973 violate the rights of registered Arkansas voters, and that Act 728 violates the right of Arkansans to assemble and offer expressive non-electioneering speech, conduct, comfort within 100 feet of the primary exterior entrance of a polling place. Defendants failed to show that Acts 249, 728, 736, and 973 further the compelling governmental interest of preventing fraudulent voting in Arkansas and bolstering public confidence in election security.

Accordingly, and as the Court announced from the bench on March 18, the Court declares that Acts 249, 728, 736, and 973 are unconstitutional and permanently enjoins their operation and enforcement.

² Martin Luther King Jr., *STRENGTH TO LOVE*, Fortress Press: Philadelphia (1981), pp. 10, 12.

Judgment will be entered for Plaintiffs consistent with this Memorandum Opinion.

ORDERED March 24, 2022

A handwritten signature in blue ink, appearing to read "Honorable [Name]", is centered within a black rectangular box. The signature is written in a cursive style.

CIRCUIT JUDGE

Courts stand...as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or...non-conforming victims of prejudice and public excitement. *Chambers v. Florida*, 309 U.S. 227 (1940).

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EXHIBIT D

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**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
FIFTH DIVISION**

**THE LEAGUE OF WOMEN VOTERS
OF ARKANSAS and ARKANSAS UNITED et al.**

PLAINTIFFS

v. **CASE NO. 60CV-21-3138**

**JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas;
and SHARON BROOKS, BILENDA
HARRIS-RITTER, WILLIAM LUTHER,
CHARLES ROBERTS, JAMES SHARP, and
J. HARMON SMITH, in their official capacities
as members of the Arkansas State Board of
Election Commissioners,**

DEFENDANTS

EXPERT AFFIDAVIT OF DR. LINTON A. MOHAMMED

I, Linton A. Mohammed, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. I am a Forensic Document Examiner (“FDE”), certified by the American Board of Forensic Document Examiners. I have been engaged in this matter on behalf of Plaintiffs to opine on the reliability of the procedures and techniques of the Arkansas signature verification process for absentee ballot applications as set forth in Arkansas elections laws and guidance.

I. QUALIFICATIONS

2. I am a U.S.-certified and internationally recognized FDE, and the focus of my research and professional experience is on handwriting and signature identification and the scientific approach to analyzing questioned signatures. I am, and since 1998 continuously have been, certified by the American Board of Forensic Document Examiners (ABFDE), the certifying board

for FDEs in North America. I am also certified in document examination by the Chartered Society of Forensic Sciences in the United Kingdom. I specialize in the forensic science of analyzing genuine, disguised, and simulated signatures.

3. I co-founded and I am currently the principal at Forensic Science Consultants, Inc., where I conduct forensic document examination casework and research on handwriting and signature examination as well as other forensic document examination (such as document alterations, obliterations, indented impressions, or pages added or removed). I am also an adjunct professor at Oklahoma State University, where I teach graduate courses on the scientific examination of questioned documents.

4. During and prior to my time with Forensic Science Consultants, Inc., and for nearly fourteen years, I worked as Forensic Document Examiner and Senior Document Examiner for the San Diego Sheriff's Department Regional Crime Laboratory. There, I conducted examinations of signatures and handwriting for cases investigated by San Diego County agencies as well as by local police, state, and federal agencies. I also served as Technical Lead of the Questioned Documents Section of the Regional Crime Laboratory, and in that capacity trained investigators and attorneys, provided expert testimony, conducted research, and produced the Quality Manuals for the Questioned Documents Section. Prior to that, I worked internationally as an FDE at the Laboratory of the Government Chemist in the United Kingdom, the Caribbean Institute of Forensic Investigations Ltd. in the West Indies, and the Trinidad and Tobago Forensic Science Center in the West Indies. In those roles, I conducted forensic document examinations and testified in criminal and civil cases for multiple police forces and other government agencies.

5. I am a Fellow of the Questioned Documents Section of the American Academy of Forensic Sciences ("AAFS"), a Fellow and diplomate of the Chartered Society of Forensic

Sciences, and a member of the Canadian Society of Forensic Science. I served as the Chair of the AAFS Questioned Documents Section from 2016 to 2018. I am an appointed member and Chair of the Academy Standards Board, which was formed by the AAFS to develop consensus-based standards for the forensic sciences. I served as a member of the National Institute of Standards and Technology's Expert Working Group on Human Facts in Handwriting Examination, the National Institute of Standards and Technology's Organization of Scientific Area Committees' Physics/Pattern Interpretation Scientific Area Committee, and the Scientific Working Group on Documents. I have previously served as President, Vice President, Treasurer, and Director of the American Society of Questioned Document Examiners ("ASQDE").

6. I am the editor of the *Journal of the American Society of Questioned Document Examiners*. I served on the editorial review board of the *Journal of Forensic Sciences* from 2005-2020, and I currently serve on the editorial review board of *Forensic Science and Technology*. I am a guest reviewer for the following journals: *Forensic Science International*, *Science & Justice*, *Australian Journal of Forensic Science*, *Egyptian Journal of Forensic Sciences*, and *IEEE Transactions on Cybernetics*.

7. I have published eighteen peer-reviewed articles on signature and handwriting examination, and forensic document examination. Many of my articles focus on the analysis of genuine, disguised, and forged signatures, and handwriting examination. I have also given numerous presentations and workshops on signature and document examination worldwide, including in the United States, Australia, Brazil, Canada, China, Latvia, Poland, Saudi Arabia, Scotland, and Turkey.

8. In 2019, I authored a book titled *Forensic Examination of Signatures*, which describes and discusses state of the art techniques and research in signature examination.¹ I co-authored a book in 2012 titled *The Neuroscience of Handwriting: Applications for Forensic Document Examination*, which integrates research in the fields of motor control, neuroscience, kinematics, and robotics to evaluate questioned signatures and handwriting.² The book sets forth, among other things, the scientific fundamentals of motor control as relevant to handwriting; the impact of age, disease, and medication on handwriting; and a quantitative approach to signature authentication, including kinematic and laboratory analyses of genuine versus disguised versus forged signatures.

9. In 2012, I received the American Board of Forensic Document Examiners' New Horizon Award "In Recognition of His Exceptional Contributions in Scientific Research for the Advancement of Forensic Document Examination." In 2019, I received the American Academy of Forensic Sciences Questioned Documents Section's Ordway Hilton Award "In Recognition of Outstanding Contributions to Forensic Document Examination."

10. I have testified as an expert witness in court and depositions more than 150 times on issues of signature, handwriting, and document examination in both civil and criminal cases, including cases in the United States, England, Trinidad & Tobago, and St. Vincent.

11. My testimony in cases involving signature-matching processes related to absentee ballots has been accepted in several courts. *See, e.g., Richardson v. Tex. Sec'y of State*, 485 F. Supp. 3d 744, 787 (W.D. Tex. 2020); *Self Advocacy Solutions N.D. v. Jaeger*, 464 F. Supp. 3d 1039, 1045, 1053 (D.N.D. 2020); *Frederick v. Lawson*, 481 F. Supp. 3d 774, 795 (S.D. Ind. 2020);

¹ Mohammed, L. (2019). *Forensic Examination of Signatures*. San Diego: Elsevier.

² Caligiuri, M.P., & Mohammed, L.A. (2012). *The Neuroscience of Handwriting: Applications for Forensic Document Examination*. Boca Raton: CRC Press/Taylor & Francis Group.

Saucedo v. Gardner, 335 F. Supp. 3d 202, 212-13 (D.N.H. 2018); *see also Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1320 (11th Cir. 2019).

12. I received a Ph.D. from La Trobe University in Melbourne, Australia in human biosciences, where I wrote my thesis on signature examination: “*Elucidating static and dynamic features to discriminate between signature disguise and signature forgery behavior.*” Prior to that, I received my undergraduate degree in science at the University of West Indies; underwent a two-year, full-time training program in Forensic Document Examination at the Trinidad and Tobago Forensic Science Center; and received a master’s degree in forensic sciences at National University in San Diego, California.

13. My *curriculum vitae* is attached as Exhibit A. I am being compensated at a rate of \$400.00 per hour. My compensation in this matter is not in any way contingent on the content of my opinion or the outcome of this matter.

II. BACKGROUND

14. For this Affidavit, I reviewed the Plaintiffs’ Amended Complaint; 2021 Arkansas Laws Act 736 (H.B. 1715) (“Act 736”) which amended, among other Arkansas statutes, Ark. Code Ann. §§ 7-5-404, 7-5-409, and 7-5-416; the Arkansas County Board of Election Commissioners *Procedures Manual* (2020 Edition); the 2020 County Board of Election Commissioners Training PowerPoint presentation; the Arkansas *Absentee Canvassing Quick Guide*; the Arkansas *Processing Absentee Ballot Exercises*; and relevant academic literature.

15. Arkansas has a signature match requirement for mail-in absentee applications and absentee ballots.

16. Act 736 amended Ark. Code Ann. § 7-5-404(a)(1)(1), which formerly provided that “[a]pplications for absentee ballots must be signed by the applicant and verified by the county

clerk by checking the voter's name, address, date of birth, and signature from the registration records unless the application is sent by electronic means," to require that "[a]pplications for absentee ballots must be signed by the applicant and verified by the county clerk by checking the voter's name, address, date of birth, and signature from the *voter* registration *application* unless the application is sent by electronic means." (emphasis added). In so doing, Act 736 reduced the number and type of comparison signatures that election officials are permitted to use when engaging in signature matching.

17. Act 736 amended Ark. Code Ann § 7-5-404(a)(2)(A), which formerly provided that "If the signatures on the absentee ballot application and the voter registration record are not similar, the county clerk shall not provide an absentee ballot to the voter," to now provide that "If the signatures on the absentee ballot application and the voter registration *application* record are not similar, the county clerk shall not provide an absentee ballot to the voter." (emphasis added).

18. Ark. Code Ann. § 7-5-404(a)(2)(A) does not define what is meant by "similar."

19. Ark. Code. Ann. § 7-5-409(a)(1)(B) states "The county clerk shall verify that the application has been properly signed by the applicant and, if necessary, the designated bearer, administrator, or authorized agent. If the application is not properly signed, the application shall be rejected by the county clerk."

20. Ark. Code Ann. § 7-5-409(a)(1)(B) does not define what is meant by "properly signed."

21. The County Board of Election Commissioners' Procedures Manual, which is issued by the Arkansas State Board of Elections, states on page 40, under the header "Absentee Voting, Rejected Absentee Applications," that "[t]he county clerk cannot send an absentee ballot to a voter

if the signature on the absentee ballot application is not similar to the voter's signature in the voter registration file.”

22. Ark. Code Ann. § 7-5-404 directs election officials to conduct an examination and comparison of a voter's signature as it appears on the voter's absentee application with the signature that appears on the voter's registration application.

23. Based on my understanding, Arkansas election officials are lay individuals, meaning they are not required to have any training, certification, or experience in document examination or signature comparison. In fact, *The Absentee Canvassing Quick Guide* issued by the State Board of Elections states that, “Election officials are not handwriting experts.” See Arkansas State Board of Election Commissioners, *Absentee Canvassing Quick Guide* at 1, https://static.ark.org/eeuploads/elections/Absentee_Canvassing_QG_-_Copy.pdf (“*Absentee Canvassing Quick Guide*”). As discussed below, this is a major possible cause of error.³

24. Based on my understanding, there are no further written statewide standards or procedures to guide election officials in evaluating whether the signature on the absentee ballot application matches the signature on the voter's registration application.

III. SUMMARY OF CONCLUSIONS

25. Ark. Code. Ann. § 7-5-404 does not set forth sufficient standards for determining reasonably whether a signature on an absentee ballot application matches the voter signature displayed on the voter registration application, which I believe can result in errors. Based on my review of the election statutes, Arkansas also does not require election officials to have any training in signature examination and does not require that election officials be provided with equipment

³ *Infra* ¶¶ 32-51.

for effective document examination and signature comparison, such as proper light sources and microscopes.

26. Based on my experience and my review of the academic literature, it is my opinion that in these circumstances, inevitably, Arkansas election officials will make erroneous signature-comparison determinations.

27. Determining whether a signature is genuine or not is a difficult task for even a trained Forensic Document Examiner (“FDE”), as signatures are written in different styles with varying levels of readability and variability. Laypersons, such as Arkansas election officials, have a significantly higher rate of error in determining whether signatures are genuine. Laypersons are also more likely to wrongly determine that authentic signatures are *not* genuine than to make the opposite error. In other words, Arkansas election officials are significantly more likely than trained examiners to make an incorrect signature comparison determination and are particularly likely to incorrectly decide that the signatures are *not* signed by the same person.

28. The high rate of error among laypersons generally results from the inability to distinguish between normal “variations” in one individual’s signatures as opposed to “differences” resulting from multiple signers. An individual’s signatures may vary for myriad reasons, including age, health, native language, and writing conditions. Laypersons lack the tools and training to properly account for signature variation, which leads to erroneous mismatch determinations that are particularly pronounced in populations with greater signature variability, such as the elderly, disabled, individuals suffering from poor health, young voters (ages 18 to 21), and non-native English speakers.⁴

⁴ See Hilton, O. (1969). Consideration of the writer’s health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No. 2, pp. 157-166.

29. These signature-determination errors are further compounded for Arkansas election officials with diminished eyesight or “form blindness” (a type of impairment in visual perception defined below), both of which impact an individual’s ability to make accurate handwriting authenticity determinations. While FDEs are screened for these traits, Arkansas law and guidance regarding signature comparison do not require election officials to undergo such screening.

30. Based on my review of the relevant statutes and guidance, Arkansas no longer permits election officials to compare the signatures on the absentee ballot application to other signatures available on file beyond the voter registration application, nor does it require election officials to spend any minimum threshold of time in comparing signatures. These circumstances are likely to lead to additional errors. At a minimum, even assuming proper examination conditions are present, multiple signature samples are required for an accurate signature determination to account for an individual’s signature variability.⁵ For writers who are elderly or have poor health, a larger number of signature samples may be required to determine their range of variation. Yet Arkansas does not require election officials to compare the voter’s signatures on the absentee ballot application to more than one reference signature. In my experience, even assuming optimum conditions, such as (1) complex signatures (see Figure 1) which are the product of a combination of the formation, concatenation, intersection of the strokes, and number of turning points that comprise the signature, (2) original documents, and (3) an adequate number of specimen signatures, a minimum of two hours is required to conduct a signature comparison. The examination requires that the signatures be sketched, so that the ductus of the pen movement can be determined, and the fine and subtle details of the questioned and reference signatures can be examined and closely

⁵ Hilton, O. (1965). A further look at writing standards. *The Journal of Criminal Law, Criminology and Police Science*, Vol. 56, No. 3, p. 383 (recommending a minimum of ten signature samples for accurate signature comparison determinations).

compared. Usually, examinations are conducted more than once as a check and balance. Election officials with insufficient time to evaluate the signature on the absentee ballot application are likely to make additional errors. Based on my review of the relevant Arkansas statutes, election officials are not directed to spend the required minimum amount of time to examine and compare the voters' signatures.

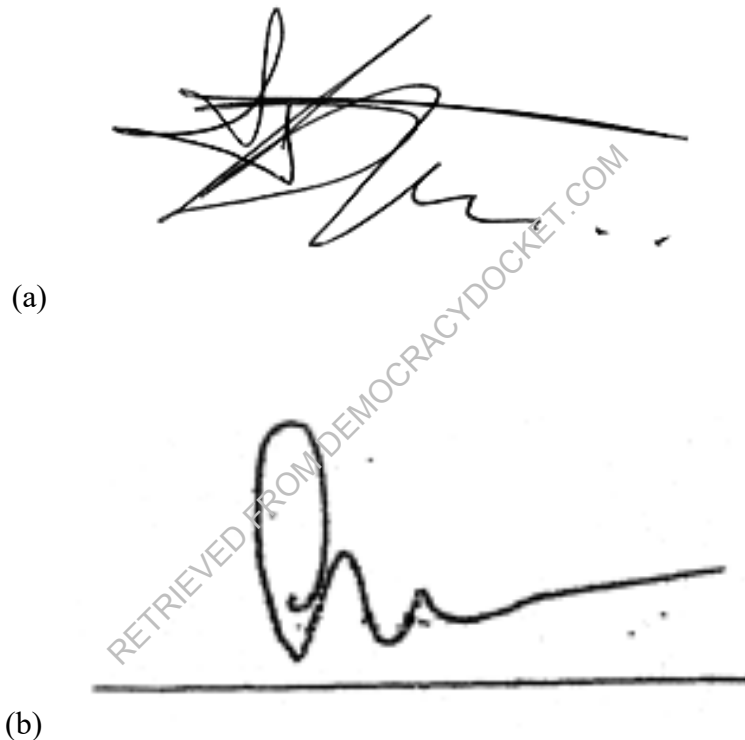


Figure 1 *Examples of a complex signature (a), and a simple signature (b).*

31. In sum, it is my opinion that Arkansas's current signature matching rules and procedures, which allow individuals without adequate training—and without guidance—to reject the signatures on absentee ballot applications, will result in a significant number of erroneous rejections. In other words, Arkansas election officials are likely to reject properly completed absentee ballot applications, signed by the correct voter, because of their incorrect determination that the signatures on the absentee ballot applications are not genuine.

IV. ANALYSIS AND OPINIONS

A. Arkansas election officials are likely to make erroneous signature comparison determinations.

32. Individuals untrained in signature examination, like Arkansas election officials, are highly likely to make mistakes when comparing signatures, particularly by erroneously rejecting signatures as inauthentic or non-matching when they are in fact written by the same individual. These rejections are considered “Type II” errors, and laypersons are more likely than Forensic Document Examiners (“FDEs”) to make such errors for several reasons. First, untrained election officials cannot reliably determine whether signatures are written by different individuals, or whether the signatures are written by one person but exhibit natural variations. Second, untrained reviewers do not account for the many reasons for naturally varying signatures, causing them to erroneously reject authentic signatures. This is particularly true for writers who have less formal education, learned English as a second language, are elderly, disabled, young, or have adverse health conditions. Third, untrained elections officials also fail to account for different signature styles and features, leading to erroneous rejections. Lastly, Arkansas election officials are not tested for form blindness, a condition that can impact their ability to accurately review signatures.

B. Untrained laypersons are more likely than FDEs to erroneously determine authentic signatures are inauthentic.

33. There are two types of errors in signature examination. Type I errors occur when a non-genuine signature is deemed to be genuine, and a Type II error occurs when a genuine signature is concluded to be non-genuine. In Arkansas’s absentee voting system, a Type II error would be an election official making a determination that the absentee ballot application signature and the reference signature for one voter are “not similar”, when in fact, both signatures were written by the voter. With this Type II error, the voter’s absentee ballot application would be rejected due to

a perceived signature mismatch, and therefore the voter would be potentially disenfranchised through no fault of their own.

34. Compared to FDEs, laypersons have higher Type II error rates. In a 2001 study reviewing the error rates of FDEs and laypersons in comparing six genuine signatures with six non-genuine signatures, laypersons made Type II errors in 26.1% of cases while trained signature FDEs made such errors in 7.05% of cases.⁶ That means that laypersons are more than 3 ½ times more likely to declare an authentic signature non-genuine—which, in the case of signatures on absentee ballot applications, would mean that election officials would reject more than 3 ½ times the number of applications than FDEs. It should be noted that for this study, six (6) specimen signatures were used. If, as in Arkansas elections, only one genuine signature is used for comparison, it is highly likely that the error rate for both experts and laypersons would increase significantly.

C. Arkansas election officials cannot determine reliably whether signatures are written by different individuals, or by one individual exhibiting natural variation.

35. Determining whether signatures are made by the same or different individuals requires a reviewer to discern whether a feature or combination of features in signatures are “differences” or “variations.” Signatures are the product of a motor program developed in the brain after practice, and then executed with neuro-muscular coordination. Many factors can influence an individual’s motor program and neuro-muscular coordination. These factors cause variations in each person’s signature.⁷ Variations are deviations of personal, subconscious characteristics normally demonstrated in the habits of each writer. Individuals may have narrow, moderate, or wide ranges

⁶ Kam M., Gummadidala K., Fielding G., Conn R. (2001). Signature Authentication by Forensic Document Examiners, *Journal of Forensic Science*, 46(4):884-888.

⁷ Mohammed, *supra* n. 1-2 & ¶8.

of natural variation. A writer's range of variation can be determined when an adequate amount of specimen signatures are examined. A significant "difference" is a characteristic that is structurally divergent between handwritten items, that is outside the range of variation of the writer, and that cannot be reasonably explained.⁸

36. In the field of signature examination, unexplainable "*differences*" between signatures suggest that different individuals wrote the signatures, whereas "*variations*" between signatures mean that one individual wrote the signatures. Determining whether signature features are "differences" or "variations" is one of the most difficult determinations in signature examinations, even for experienced FDEs.

37. Some writers may have a very wide range of variation. Figure 2 illustrates four signatures of one writer that exhibit wide variation, and if compared, may easily be mistaken as signatures written by four different individuals. Any one signature compared with the other three could be determined by a lay person to be "not similar."

⁸ SWGDOC Standard for the Examination of Handwritten Items, www.swgdoc.org.



Figure 2 *Four signatures of one individual exhibiting a wide range of variation, with the name partially redacted for privacy purposes*

38. To reliably make such a judgment requires, at a minimum:

- Extensive training with different types of signatures: Becoming an FDE requires at least two⁹, and typically three, years of full-time training with an experienced examiner, with at least eighteen (18) months of training in the examination of signatures and handwriting. FDEs learn the science of signature examination, gain experience in casework, and are tested for proficiency.
- Adequate magnification and lighting equipment.

⁹ Scientific Working Group for Forensic Document Examination (SWGDOC), *SWGDOC Standard for Minimum Training Requirements for Forensic Document Examiners* at 1, <https://www.swgdoc.org/documents/SWGDOC%20Standard%20for%20Minimum%20Training%20Requirements%20for%20Forensic%20Document%20Examiners.pdf>.

- Excellent eyesight.
- Adequate contemporaneous specimen signatures.
- Adequate time: Insufficient time examining signatures is conducive to making errors. For example, one study found that FDEs spent more time looking at the questioned and reference signatures than laypersons, and their evaluations were more accurate.¹⁰

39. Without these elements, Arkansas election officials are likely to mistake legitimate and expected “variations” between one individual’s signatures for “differences” in signatures between two individuals and conclude incorrectly that someone other than the registered voter signed the absentee ballot application.

40. Ark. Code Ann. § 7-5-404(a)(1)(A), as amended by Act 736, requires a one-to-one comparison between the signature on a voter’s absentee ballot application and their voter registration application. Based on a one-to-one comparison of a signature on an absentee ballot application and a signature on a voter registration application, election officials have no way to determine if a feature is a difference indicating two writers, or natural variation of one writer. This may lead to erroneous rejections.

D. Untrained reviewers erroneously reject authentic signatures because they do not account for the many reasons for naturally varying signatures.

41. Further, an individual’s signatures may vary for myriad reasons, and to properly determine whether signatures are written by the same individual, one must consider the various reasons why features of the same individual’s signatures may visually appear different. To do so,

¹⁰ Merlino, M., Freeman, T., Dahir, V., Springer, V., et al. (Jan. 2015). *Validity, Reliability, Accuracy, and Bias in Forensic Signature Identification*. Department of Justice Grant 2010-DN-BX-K271, Document 248565, <https://www.ncjrs.gov/pdffiles1/nij/grants/248565.pdf>.

reviewers must possess an adequate number of sample signatures to demonstrate the writer's range of variation. In one of the leading textbooks on handwriting examination, authors Roy Huber & A.M. Headrick identified twenty common reasons why individuals' signatures may appear to show variations:

- Adequacy of standards (or samples): Samples that are inadequate in terms of quantity and contemporaneousness will not be representative of the writer's range of variation. Variations may therefore be interpreted as differences.
- Accidental occurrences: These are one-off variations that will not appear in the specimen signatures.¹¹ Misinterpretation of these accidental occurrences may lead to an interpretation of a variance as a difference.
- Alternative styles: Some writers have alternate signature styles. This may not be represented in the specimens.
- Ambidexterity.
- Carelessness or negligence.
- Changes in the health condition of the writer.
- Changes in the physical condition of the writer: Circumstances such as fractures, fatigue, or weakness may alter features of an individual's signature.
- Changes in the mental condition or state of the writer.
- Concentration on the act of writing.
- Disguise or deliberate change.

¹¹ A specimen signature is a signature that is known to have been written by a person. It is not disputed. Typical specimens are Driver's Licenses and Identification Cards. Specimen signatures are also referred to as Known or Reference signatures.

- Influence of drugs or alcohol.
- Influence of medications.
- Intentional change for later denial.
- Nervous tension.
- Natural variations: These are inherent variations as a result of changes in neuromuscular coordination.
- Writing conditions—*e.g.*, the writer’s place or circumstances, such as in a moving vehicle or at a stationary table.
- Writing instrument—*e.g.*, a pen versus a stylus.
- Writing position—*e.g.*, the writer’s stance.
- Writing surface—*e.g.*, paper versus electronic screen.
- Writing under stress.

Examiners must consider each of these reasons in determining whether a feature is a “difference” created by different writers or whether the feature is simply a “variation” from the same writer. It is very unlikely that Arkansas election officials will have the knowledge, training, and experience to properly account for these factors. And the Arkansas signature matching statutes do not require election officials to consider adequate samples, as would be necessary for even an expert to distinguish a “difference” from a “variation.”

42. Studies have shown that illiterate writers, writers for whom English is a second language, elderly writers, disabled writers, and writers with health conditions tend to have less pen control than most other writers, and therefore would have a greater range of variation in their

signatures.¹² And the increased variation in the signatures of these groups only compounds laypersons' tendencies to err on the side of incorrectly finding authentic signatures to be non-genuine.

43. Since signatures are developed as a motor program in the brain, the signatures of writers for whom English is a second language are more likely to exhibit wide ranges of variation, as these writers will have to discard their former learned motor program and develop a new one for their new signature style.¹³ For instance, a writer who first learned to write in a non-Latin-based script, such as Chinese, will naturally show more variation when signing a document in English than a native writer. Likewise, where the writer's native language is written right to left, such as Urdu, the writer's signature may also be more likely to show variations in letter slanting. Cherokee is a Native American tribe that has its own syllabary.¹⁴ Signatures written by individuals who learned to write using the Cherokee syllabary may appear different to an untrained eye. Qualified, experienced experts in the area of signature verification would know of and account for these factors in evaluating signatures. Arkansas election officials, even if put through a short training session, are unlikely to be able to accurately account for these differences, particularly in an expedient time frame or when only one or a few specimen signatures are available for comparison.

44. Furthermore, young voters (ages 18 to 25) are not likely to have fully developed

¹² See, e.g., Hilton, O. (1969). Consideration of the writer's health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No. 2, pp. 157-166; Hilton, O. (1965). *A further look at writing standards*. *Journal of Criminal Law, Criminology, and Police Science*, Vol. 56, No. 3, pp.383; Hilton, O. (1956). Influence of serious illness on handwriting identification, *Postgraduate Medicine*, Vol. 19, No. 2.

¹³ Mohammed, *supra* n. 1-2 & ¶8.

¹⁴ Encyclopedia Britannica, *Cherokee Syllabary*, <https://www.britannica.com/topic/Cherokee-syllabary>.

signatures. According to one study, “the development and progress of one’s handwriting passes through four stages in the course of a lifetime: (1) the formative stage, (2) the impressionable or adolescent stage, (3) the mature stage, and (4) the stage of degeneration.”¹⁵ The signatures of young voters will fall between stages 2 and 3. The U.S. Postal Service has reported that “writer[s] achieve graphic maturity by the 20th birthday.”¹⁶ Handwriting was developed as a means of communication, whereas signatures are developed as a means of identification.¹⁷ Signatures tend to be more personalized and can therefore be considered as an over-developed form of handwriting. Young writers today will likely not have developed signatures until later in life. This is exacerbated as young writers will presumably need to sign less often due to the increased use of personal identification numbers (“PINs”) and other non-handwritten forms of identification. Thus, it follows that their signature development can reasonably be expected to take longer than for previous generations. This will lead to an increased range of variation in a young writer’s signature. The handwriting of adolescents can cause difficulties even for trained FDEs. Comparisons by untrained individuals of young voters’ signatures on the absentee ballot applications will exacerbate the potential for error in rejecting their applications.¹⁸

¹⁵ Huber, R.A. & Headrick, A.M. (1999). *Handwriting Identification: Facts and Fundamentals*. Boca Raton, FL: CRC Press.

¹⁶ Bureau of the Chief Postal Inspector (1966), *20th Century Handwriting Systems and Their Importance to the Document Analyst*.

¹⁷ Plamondon, R., Srihari, S. (2000). *Online and off-line handwriting recognition: a comprehensive survey*. IEEE Transactions on Pattern Analysis and Machine Intelligence Volume: 22, Issue:1, Jan; Srihari S.N., Srinivasan H., Chen S., Beal M.J. (2008). *Machine Learning for Signature Verification*. In: Marinai S., Fujisawa H. (eds) *Machine Learning in Document Analysis and Recognition*. Studies in Computational Intelligence, vol 90. Springer, Berlin, Heidelberg, p. 389.

¹⁸ Cusack, C.T & Hargett, J.W. (1989). A Comparison Study of the Handwriting of Adolescents. *Forensic Science International*, 42(3):239-248.

E. Arkansas election officials may fail to account for increased variation in signatures of voters with disabilities.

45. Signatures are executed by means of neuromuscular coordination. A motor program developed in the brain signals the muscles to produce handwriting movements. Any disability, illness, or drug that affects neuromuscular coordination will influence the production of signatures. Various diseases that affect motor neurons and neurological pathways can affect the appearance of signatures of the afflicted individual.

46. Diseases such as Parkinson's and Alzheimer's may also affect signatures due to changes in motor control. Writers with these diseases tend to write much smaller (a condition known as micrographia), and this tendency may change depending on medication. Individuals who have lost use of their dominant hand, and must learn to write with their other hand will also exhibit wide variation in their handwriting. An example of such individuals are veterans who have been injured in war. The longer a person writes with a non-dominant hand, the more the quality of handwriting will improve. However, it will likely never appear completely normal and natural.¹⁹

47. It is highly likely that writers with disabilities will exhibit a wider range of variation in their signatures than might normally be seen in the signatures of a healthy, skilled writer. This increased variation will not only present a challenge to a trained FDE, but will present a near-impossible task to a layperson who has to compare one signature on a ballot with one signature on an application for a ballot, and make a determination of authenticity.

48. In Arkansas, signatures on absentee ballot applications are compared with one reference signature on file with election officials. For voters with disabilities, the lack of an

¹⁹ Lanners, B. (2018). A New-Dominant Hand: Training the Non-Dominant Hand to Perform the Complex Task of Handwriting. *Journal of the American Society of Questioned Document Examiners*, Volume 21, Number 2, pp. 13-28.

adequate number of specimen signatures to compare against will exacerbate the error rate. Evaluation of signatures executed by ill or disabled writers requires the evaluator to have wide experience with different types of signatures and accurate knowledge of the physical conditions of the individual as relates to their handwriting.²⁰

F. Arkansas elections officials also fail to account for the different signature styles and features, leading to erroneous rejections.

49. One of the reasons that accurate signature comparison determinations prove difficult, even for a trained FDE, is that signatures are written in three different styles²¹ as illustrated in Figure 5:

- Text-based: Nearly all the letters can be interpreted.



- Mixed: More than two, but not all, letters can be interpreted.



- Stylized: No letters can be interpreted.



²⁰ Hilton, O. (1969). Considerations of the writer's health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No. 2, pp. 157-166.

²¹ Mohammed, L., Found, B., Rogers, D. (2008). Frequency of signature styles in San Diego County. *Journal of the American Society of Questioned Document Examiners*, Vol. 11, No. 1.

Figure 5 *Examples of three signature styles.*

These signature styles exhibit significantly different characteristics that impact the signature-matching analysis, and by extension, the determination of whether signatures are genuine. For example, kinematic features of signatures, such as size, velocity, changes of acceleration, and pen pressure are important in determining whether a signature is genuine. Yet these kinematic features vary between the same individual's signatures, with the degree of variation often dependent on the signature style. The kinematic features of stylized signatures, for example, vary more significantly than the kinematic features of text-based signatures. And the less legible a signature becomes, the more the election official depends on their pattern recognition ability. Thus, signature styles can have an impact on the determination of genuineness or non-genuineness. Unfamiliarity with the different signature styles may impact a reviewer's ability to determine whether two signatures come from the same person, and would likely cause a lay person (such as an election official) to decide that the compared signatures exhibit "differences" when the changes in features are simply "variations."

50. To determine whether signatures are made by the same individual, a reviewer should focus on holistic features of signatures, such as alignment, slant, pen lifts, rhythm, the size of writing, the slope or slant of the letters, or other characteristics that are diagnostic of the process used to create signatures. These features are subtle, and a writer is usually unaware of the features, as they are executed by the writer's subconscious motor program. These subtle features provide significant evidence of genuineness because they occur in natural handwriting. Lay persons, however, often focus instead on more eye-catching features in evaluating signatures. For example, an eye-tracking study on signature examination found that "lay participants focused to a greater

extent on individual features such as arches, eyelets, hooks, shoulders, connections, troughs, or other individual features” that catch the eye, and “appear[ed] less likely to use holistic features” when evaluating signatures.²² Focusing on these eye-catching features is problematic because these are the types of features that a simulator would try to capture. Therefore, if the absentee ballot application signatures and the specimen signatures are pictorially similar, the election official may improperly accept the application signatures based on the similarities in eye-catching features without realizing that the signatures are good simulations. A trained FDE should be able to detect subtle features that are indicative of simulation. Properly utilizing the subtle, holistic features of signatures to determine genuineness, however, requires both training and adequate time for review.

G. Arkansas election officials are not tested for form blindness, increasing the risk of erroneous signature match determinations.

51. A laypersons’ ability to make consistently correct determinations as to the genuineness of a signature may also be impacted by a condition known as “form blindness,” which impairs “the ability to see minute differences in angles, forms, and sizes.”²³ Most ophthalmologists agree that form perception is not an eye problem but rather a translational problem. That is, “it is a perceptual inability to distinguish the small differences between shapes, colors, and patterns.”²⁴ Therefore, in most cases, form blindness goes undetected, but diminishes a reviewer’s ability to make accurate

²² Merlino, *supra* note 10.

²³ Bertram, D. (2009). Univ. of S. Miss. *Form Blindness Testing: Assessing the Ability to Perform Latent Print Examination by Traditional Versus Nontraditional Students* Dissertations. 996, p. 33; Byrd, J. & Bertram, D. (2003). Form-Blindness. *Journal of Forensic Identification*, 53(3):315-341.

²⁴ Moody, Meredith G., “*Form-Blindness and Its Implications: A Verification Study*” (2016); Honors Theses; Paper 388.

determinations of a signature's genuineness.²⁵ The problem of form-blindness is discussed in detail in Chapter 24 of *Questioned Document Problems*,²⁶ and while FDEs must pass a form blindness test before being trained in handwriting identification, Arkansas requires no such test for election officials. There is a risk that some election officials have form blindness, and which would make them particularly prone to making erroneous signature judgments.

H. Even trained FDEs are likely to make erroneous signature comparison determinations under Arkansas's signature matching procedures.

52. Even for trained FDEs, Arkansas's signature matching process would be prone to erroneous determinations due to the limited number of comparison signatures and the lack of proper equipment.

53. Normally, FDEs require multiple specimen signatures for comparison with a questioned signature, and often more if issues such as age or illness are involved. These specimens are required to adequately determine the range of variation of the writer and properly account for the reasons for variation within an individual's signatures discussed above. Indeed, nobody signs the same way twice: no two complex, skillfully written, genuine signatures of one writer have ever been found to be exactly alike, but such a statement should be understood to be true speaking microscopically, and not as the carpenter measures.²⁷ Inadequate standards, or failure to use

²⁵ *Id.*, p. 32.

²⁶ Osborn, A.S. (1946). *Questioned Document Problems. The Discovery and Proof of the Facts*, 2nd. Ed. Boyd Printing Company: Albany, NY. Pp. 218-250.

²⁷ Osborn, A. (1910). *Questioned Documents*. The Lawyers' Publishing Co.: Rochester, NY, p. 281.

adequate specimens fully representing the range of variation in a writer's signature, is a well-known source of error.²⁸

54. Features observed in the questioned signature(s) may not be observed in inadequate specimens. This may lead to an erroneous interpretation of a feature as a difference (two writers) not a variation (one writer). Because Arkansas election officials are only required to compare the signature on the absentee ballot application with one reference signature on file, they cannot distinguish accurately between features, variations, or differences. Furthermore, Arkansas election officials may need to compare a voter's original "wet-ink" signature on the voter registration application record with the voter's absentee ballot application signature which may be sent by electronic means. Ark. Code Ann. § 7-5-404(a)(1)(B) provides that an absentee ballot application "sent by electronic means . . . must bear a verifiable facsimile of the applicant's signature," and Ark. Code Ann. § 7-5-404(a)(3)(A)(vi)(b) provides that an "application sent by electronic means will be accepted only upon verification of the facsimile signature of the applicant by the county clerk."

55. Comparing a digitized signature with an original "wet-ink" signature has many inherent limitations, some of which are caused by the resolution of the digitized signature, whether the digitized signature is being viewed on a monitor or as a printed item, and the writing instruments used for each signature. If the monitor's resolution is low, or if the digitized signature is a poor copy of the original signature to begin with, this would make it very difficult for an untrained examiner to assess the line quality of the signature. Striations made by ballpoint pens may appear to be gaps in the writing line, and may be interpreted mistakenly as evidence of simulation or

²⁸ Huber, R.A. & Headrick, A.M. (1999). *Handwriting Identification: Facts and Fundamentals*. Boca Raton, FL: CRC Press.

forgery. One study found that trained FDEs had similar error rates in evaluating the authenticity of electronic signatures when compared with signatures written with a ballpoint pen as they did in studies when comparing only “wet ink” signatures.²⁹ It follows that the error rates for untrained election officials will be similar or greater than the errors found in studies cited above for laypersons comparing only “wet ink” signatures.

56. As discussed above, Arkansas does not require election officials to use or be provided with proper equipment to conduct signature comparisons, such as magnification and lighting equipment. “[T]he microscope is the instrument which makes it possible to see physical evidence directly that otherwise may be invisible.”³⁰ Without this type of equipment, even a well-trained eye may make errors in a signature authenticity determination.

57. Finally, wrongful rejections by lay election officials are likely to be repeated if the voter applies for a new ballot. Changes in medication for example, may continue to change the pictorial aspect of the voter’s signature such that it looks different from the reference sample.

V. CONCLUSION

58. For the reasons stated herein, it is my professional opinion that Arkansas election officials will inevitably make erroneous signature match determinations when reviewing absentee ballot application. In particular, Arkansas election officials are significantly more likely to erroneously conclude that authentic signatures are *not* genuine than they are to make the opposite error—to accept inauthentic signatures as genuine. These erroneous determinations result from the

²⁹ Heckerth, J. & Boywitt, C.D. (2017). Examining Authenticity: An Initial Exploration of the Suitability of Handwritten Electronic Signatures. *Forensic Science International*, 275, 144–154.

³⁰ Osborn, A. S. (1929). *Questioned Documents*. 2nd. Ed. Boyd Printing Company, Albany, N.Y., USA.

inherent difficulty in making reliable signature authenticity determinations, particularly where, as here, the reviewer lacks training, is provided with an insufficient number of comparison signatures, and does not have access to proper equipment. The use of one voter registration application record signature as the sole reference sample for comparison with one absentee ballot application signature will most likely exacerbate the error rate. In this context, Arkansas’s signature matching procedures are all but guaranteed to result in the erroneous rejection of properly completed absentee ballot applications.

* * *

Linton Mohammed

Linton Mohammed, Ph.D, D-ABFDE

Broward County, FL
Jurat

Sworn to before me this 12th day of November 2021.

Linton Mohammed DRIVER LICENSE



Kerrian C Robertson

Notary Public



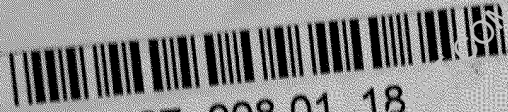
My commission expires 02/20/2025

Notarized online using audio-video communication

Exhibit 9

RETRIEVED FROM DEMOCRACYDOCKET.COM

Name and Complete Ad



1652767, 008.01, 18
SHIRLEY FAYE FIELDS
10020 NATURAL TRL
MAUMELLE, AR 72113



OFFICIAL A

Group # _____

IRREGULAR ABSENTEE FORM

Batch # _____

Election Date: November 3, 2020

Name of Voter: Shirley Faye Fields DOB: [REDACTED] 52

Check the Irregular Absentee Reason:

- Voter Identification documents missing *w/o ptimal*
- Information on Application and Voter Statement does not match
- Voter Statement Missing
- Materials or Information Missing *(Refer to Election Commission)* *Signature*
- Poll Watcher Challenge *(Provisional)*
 - Voter is not eligible to vote in precinct
 - Voter has already voted in election

Poll Watcher's Signature

Redacted - Privilege

- First-time voter failed to provide the required time of mailing *(Provisional)*
- Other Reason: _____

Caritha Titum
Poll Worker's Signature

PULASKI COUNTY BOARD OF ELECTION COMMISSIONERS

FINAL DECISION

Provisional Ballot Counted: Yes No

Reason Not Counted:

- Missing materials or information
- Voter Statement and Absentee Ballot Application signatures do not Match
- First time voter failed to provide ID *(Provisional)*
- Poll Watcher Challenge *(Provisional)*
- Other: _____

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT MUST BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

Included the following items in the return envelope:

1. Completed Absentee Voter Statement (this piece of paper);
2. A copy of an identifying card or document (as detailed below and in the enclosed instructions) if applicable:
 - a. For first-time voters who registered by mail: If I am a newly registered voter of this county and this is the first time I am voting in this county, I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address; or
 - b. For all other voters: If I am not a first time voter and have not signed the statement in Box 5, I am enclosing a copy of a document or identification card issued by the United States, the State of Arkansas, or an accredited postsecondary education institution in Arkansas that shows my name and photo and is not expired or has expired no more than four years before the date of the election.
3. **My Ballot Only Envelope containing My marked ballot.**

<p>Box 1: VOTER'S PRINTED NAME</p> <p><u>Shirley Gaye Fields</u></p> <p><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p> <hr/> <p>Box 2: VOTER'S RESIDENTIAL ADDRESS</p> <p>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN THE STATE OF ARKANSAS) AT WHICH I RESIDE.</p> <p><u>10020 Natural Trail</u></p> <p>Street Address</p> <p><u>Maumelle, AR 72113</u></p> <p>City State Zip Code</p> <p><small>Must Complete For Your Ballot To Be Counted!</small></p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other than a Mail Service:</p> <hr/> <p>Printed Name of Designated Bearer, Agent or Administrator</p> <hr/> <p>Signature of Designated Bearer, Agent or Administrator</p> <hr/> <p>Address of Designated Bearer, Agent, or Administrator</p> <hr/> <p>Box 5: Optional Verification of Identity Affirmation</p> <p>I, <u>Shirley Gaye Fields</u>, hereby affirm, under penalty of perjury, that I am registered to vote in the State of Arkansas and that I am the person who is registered using the information entered in Box 1, 2, and 3.</p> <p><u>Shirley Gaye Fields</u></p> <p>Signature of Absentee Voter</p> <p>AVAILABLE TO VOTERS WHO CANNOT PROVIDE PHOTO ID</p>
<p>Box 3: VOTER'S DATE OF BIRTH</p> <p><u> 1952</u></p> <p>Month Day Year</p> <p><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 6: REQUIRED ABSENTEE VOTER STATEMENT</p> <p><small>THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OF STATE LAWS.</small></p>
<p>Signature of Absentee Voter</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>YOU MUST SIGN HERE AND PLACE THIS FORM IN THE RETURN ENVELOPE FOR YOUR VOTE TO BE COUNTED!</p> </div>

RETRIEVED FROM DEMOCRACYDOCKET.COM

ARKANSAS APPLICATION FOR ABSENTEE BALLOT

(Revised 07/17)

IF YOU PROVIDE FALSE INFORMATION ON THIS FORM YOU MAY BE GUILTY OF PERJURY AND SUBJECT TO A PENALTY FOR UP TO 10 YEARS.

TO



1852787

SHIRLEY FAYE FIELDS

DATE: 10/02/2020

RECEIVED

OCT 5 2020
TERRI HOLLINGSWORTH
CIRCUIT COUNTY CLERK

DEC 31 2020

I REQUEST AN ABSENTEE BALLOT BECAUSE [CHECK ONE]:

- I will be unavoidably absent from my polling site on Election Day, OR
- I will be unable to attend the polls on Election Day because of illness or physical disability, OR
- I reside in a long-term care or residential facility licensed by the state.

I RESIDE [CHECK ONE]:

- within the county in which I am registered to vote.
- outside the county in which I am registered to vote.
- I am a member of the merchant marine or uniformed services of the United States on active duty or service (UOCAVA).
- I am a United States citizen residing outside the territorial limits of the U.S. and the District of Columbia (UOCAVA).
- I am a spouse or dependent of a member of the merchant marine or uniformed services of the United States who will be absent from the place where I am qualified to vote because of the member's active duty or service (UOCAVA).

I REQUEST THE APPROPRIATE ABSENTEE BALLOT(S) FOR THE FOLLOWING ELECTIONS:

- Nonpartisan General Election only
- Preferential Primary/Nonpartisan General & Preferential Primary Runoff

[INDICATE POLITICAL PARTY PREFERENCE]: Democratic

- General Election/Nonpartisan Runoff & General Election Runoff
- Annual School Election and Runoff
- Special Election on _____ (Date) and Runoff, if applicable.
- All elections for one calendar year. I am a voter with a disability in a long-term or residential care facility, or living outside the county.

[INDICATE POLITICAL PARTY PREFERENCE]: Democratic

- All Elections through the next Federal General Election cycle. I am a UOCAVA voter.

[INDICATE POLITICAL PARTY PREFERENCE]: Democratic

I WILL RECEIVE MY BALLOT BY [CHECK ONE]:

- Coming to the office of the county clerk by the time the county clerk's office regularly closes on the day before the election.
- Electronic Means* - My email address is: fieldsape@gmail.com *(Only available for UOCAVA voters)
- Mail. I request that you mail my ballot to the following address:

Shirley Fields
10020 Natural Trl.
North Little Rock, AR 72113

- Designated Bearer, Administrator, or Authorized Agent: [PRINTED NAME]

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school, special election, preferential primary, or general election or the 7 days before a runoff or general primary election. A bearer, administrator, or agent must provide a current and valid photo ID to the clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both under federal laws.

I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered.

Shirley Fields

Printed or Typed Name of Voter

Signature of Voter

10020 Natural Trl

Voting Residence Address of Voter

1952

Date of Birth of the Voter

North Little Rock, AR 72113

City or Town, State and Zip Code

Signature of Bearer, Administrator, or Agent (if applicable)

RETURN THIS APPLICATION TO YOUR COUNTY CLERK.

You may obtain your County Clerk's return address for your Absentee Ballot Application at the following link:

https://www.sos.arkansas.gov/uploads/elections_countyclerkforwebsite.pdf

Exhibit 10

RETRIEVED FROM DEMOCRACYDOCKET.COM



1587458, 060.01, 176

MARY J MCNAMER

35 HALLEN CT

LITTLE ROCK, AR 72223

RETRIEVED FROM DEMOCRACYDOCKET.COM

OFFICIAL ABS

Group # _____

IRREGULAR ABSENTEE FORM

Batch # _____

Election Date: 11/3/20

Name of Voter: Mary J. McNameer DOB: [REDACTED] /40

Check the Irregular Absentee Reason:

- Voter Identification documents missing
- Information on Application and Voter Statement does not match
- Voter Statement Missing
- Materials or Information Missing (*Refer to Election Commission*)
- Poll Watcher Challenge (*Provisional*)
 - Voter is not eligible to vote in precinct
 - Voter has already voted in election

Poll Watcher's Signature

- First-time voter failed to provide the required identification at the time of mailing (*Provisional*)
- Other Reason: Zip Code Differs

Joe Ann Miller
Poll Worker's Signature

PULASKI COUNTY BOARD OF ELECTION COMMISSIONERS FINAL DECISION

Provisional Ballot Counted: Yes No

Reason Not Counted:

- Missing materials or information
- Voter Statement and Absentee Ballot Application signatures do not Match
- First time voter failed to provide ID (*Provisional*)
- Poll Watcher Challenge (*Provisional*)
- Other: _____

AB14

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT MUST BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

Included the following items in the return envelope:

1. Completed Absentee Voter Statement (this piece of paper);
2. A copy of an identifying card or document (as detailed below and in the enclosed instructions) if applicable:
 - a. For first-time voters who registered by mail: If I am a newly registered voter of this county and this is the first time I am voting in this county, I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address; or
 - b. For all other voters: If I am not a first time voter and have not signed the statement in Box 5, I am enclosing a copy of a document or identification card issued by the United States, the State of Arkansas, or an accredited postsecondary education institution in Arkansas that shows my name and photo and is not expired or has expired no more than four years before the date of the election.
3. My Ballot Only Envelope containing My marked ballot.

Box 1: VOTER'S PRINTED NAME <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-bottom: 5px;"><i>MARY J. McNamee</i></div> <small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small>	Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other than a Mail Service: <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Printed Name of Designated Bearer, Agent or Administrator <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Signature of Designated Bearer, Agent or Administrator <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Address of Designated Bearer, Agent, or Administrator
Box 2: VOTER'S RESIDENTIAL ADDRESS <small>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN THE STATE OF ARKANSAS) AT WHICH I RESIDE.</small> <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-bottom: 5px;"><i>35 Hallen Ct.</i></div> Street Address <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Street Address <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-bottom: 5px;"><i>Little Rock AR 72203</i></div> City State Zip Code <small>Must Complete For Your Ballot To Be Counted!</small>	Box 5: Optional Verification of Identity Affirmation I, <i>Mary J. McNamee</i> , hereby affirm, under penalty of perjury, that I am registered to vote in the State of Arkansas and that I am the person who is registered using the information entered in Box 1, 2, and 3. <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-bottom: 5px;"><i>Mary J. McNamee</i></div> Signature of Absentee Voter <small>AVAILABLE TO VOTERS WHO CANNOT PROVIDE PHOTO ID</small>
Box 3: VOTER'S DATE OF BIRTH <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-bottom: 5px;"> <div style="background-color: black; width: 100px; height: 1.2em; display: inline-block;"></div> <i>40</i> </div> Month Day Year <small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small>	Box 6: REQUIRED ABSENTEE VOTER STATEMENT <small>THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.</small> <div style="border-bottom: 1px solid black; padding-bottom: 5px; margin-bottom: 5px;"><i>Mary J. McNamee</i></div> Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE RETURN ENVELOPE FOR YOUR VOTE TO BE COUNTED!

1587458

ARKANSAS APPLICATION FOR A
(Revised 07/17)



IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE SUBJECT TO A
FINE OF UP TO \$10,000 OR IMPRISONMENT.

1587458
MARY J MCNAMER

TO COUNTY CLERK: Pulaski County
P.O. Box 2659
Little Rock, AR 72203

DATE: 8/26/2020

SEP 03 2020

I REQUEST AN ABSENTEE BALLOT BECAUSE [CHECK ONE]:

- I will be unavoidably absent from my polling site on Election Day, OR
- I will be unable to attend the polls on Election Day because of illness or physical disability, OR
- I reside in a long-term care or residential facility licensed by the state.

SEP 04 2020

I RESIDE [CHECK ONE]:

- within the county in which I am registered to vote.
- outside the county in which I am registered to vote.
- I am a member of the merchant marine or uniformed services of the United States on active duty or service (UOCAVA).
- I am a United States citizen residing outside the territorial limits of the U.S. and the District of Columbia (UOCAVA).
- I am a spouse or dependent of a member of the merchant marine or uniformed services of the United States who will be absent from the place where I am qualified to vote because of the member's active duty or service (UOCAVA).

I REQUEST THE APPROPRIATE ABSENTEE BALLOT(S) FOR THE FOLLOWING ELECTIONS:

- Nonpartisan General Election only
- Preferential Primary/Nonpartisan General & Preferential Primary Runoff

[INDICATE POLITICAL PARTY PREFERENCE]: Republican

- General Election/Nonpartisan Runoff & General Election Runoff
- Annual School Election and Runoff
- Special Election on _____ (Date) and Runoff, if applicable.
- All elections for one calendar year. I am a voter with a disability, in a long-term or residential care facility, or living outside the county.

[INDICATE POLITICAL PARTY PREFERENCE]: _____

- All Elections through the next Federal General Election cycle. I am a UOCAVA voter.

[INDICATE POLITICAL PARTY PREFERENCE]: _____

I WILL RECEIVE MY BALLOT BY [CHECK ONE]:

- Coming to the office of the county clerk by the time the county clerk's office regularly closes on the day before the election.
- Electronic Means* - My email address is: _____ *(Only available for UOCAVA voters)
- Mail. I request that you mail my ballot to the following address:

MARY McNAMER
35 Hallen Ct.
Little Rock, AR 72229

- Designated Bearer, Administrator, or Authorized Agent: [PRINTED NAME]

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school, special election, preferential primary, or general election or the 7 days before a runoff or general primary election. A bearer, administrator, or agent must provide a current and valid photo ID to the clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both under federal laws.

I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered.

MARY J. McNAMER
Printed or Typed Name of Voter
35 Hallen Ct.
Voting Residence Address of Voter
Little Rock, AR 72203
City or Town, State and Zip Code

Mary J. McNamer
Signature of Voter
40
Date of Birth of the Voter

Signature of Bearer, Administrator, or Agent (if applicable)

RETURN THIS APPLICATION TO YOUR COUNTY CLERK.

You may obtain your County Clerk's return address for your Absentee Ballot Application at the following link:
<https://www.sos.arkansas.gov/elections/voter-information>

Exhibit 11

RETRIEVED FROM DEMOCRACYDOCKET.COM

Name and Complete Ad



1535560, 088,01, 244

MARNETTE WENDI PENNINGTON

109 CAMBRIDGE PLACE DR

LITTLE ROCK, AR 72227

RETRIEVED FROM DEMOCRACY DESKETS.COM

OFFICIAL AE

Group # _____

IRREGULAR ABSENTEE FORM

Batch # _____

Election Date: 11/3/20

Name of Voter: Wendi Pennington DOB: [REDACTED] 1/48

Check the Irregular Absentee Reason:

- Voter Identification documents missing
- Information on Application and Voter Statement does not match
- Voter Statement Missing
- Materials or Information Missing (Refer to Election Commission)
- Poll Watcher Challenge (Provisional)
 - Voter is not eligible to vote in precinct
 - Voter has already voted in election

Poll Watcher's Signature

- First-time voter failed to provide the required identification at the time of mailing (Provisional)

Other Reason: Address missing on Voter Statement

Joe Ann Miller
Poll Worker's Signature

PULASKI COUNTY BOARD OF ELECTION COMMISSIONERS FINAL DECISION

Provisional Ballot Counted: Yes No

Reason Not Counted:

- Missing materials or information
- Voter Statement and Absentee Ballot Application signatures do not Match
- First time voter failed to provide ID (Provisional)
- Poll Watcher Challenge (Provisional)
- Other: _____

AB14

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT MUST BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

Included the following items in the return envelope:

1. Completed Absentee Voter Statement (this piece of paper);
2. A copy of an identifying card or document (as detailed below and in the enclosed instructions) if applicable:
 - a. For first-time voters who registered by mail: If I am a newly registered voter of this county and this is the first time I am voting in this county, I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address; or
 - b. For all other voters: If I am not a first time voter and have not signed the statement in Box 5, I am enclosing a copy of a document or identification card issued by the United States, the State of Arkansas, or an accredited postsecondary education institution in Arkansas that shows my name and photo and is not expired or has expired no more than four years before the date of the election.
3. **My Ballot Only Envelope containing My marked ballot.**

<p>Box 1: VOTER'S PRINTED NAME</p> <p><i>Maralotte Wood Pennington</i></p> <p><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p> <hr/> <p>Box 2: VOTER'S RESIDENTIAL ADDRESS</p> <p>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN THE STATE OF ARKANSAS) AT WHICH I RESIDE.</p> <hr/> <p>Street Address</p> <hr/> <p>Street Address</p> <p><i>Little Rock 72227-2104</i></p> <p>City State Zip Code</p> <p><small>Must Complete For Your Ballot To Be Counted!</small></p> <hr/> <p>Box 3: VOTER'S DATE OF BIRTH</p> <p><i>██████████ 1948</i></p> <p>Month Day Year</p> <p><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other than a Mail Service:</p> <hr/> <p>Printed Name of Designated Bearer, Agent or Administrator</p> <hr/> <p>Signature of Designated Bearer, Agent or Administrator</p> <hr/> <p>Address of Designated Bearer, Agent, or Administrator</p> <hr/> <p>Box 5: Optional Verification of Identity Affirmation</p> <p>I, _____, hereby affirm, under penalty of perjury, that I am registered to vote in the State of Arkansas and that I am the person who is registered using the information entered in Box 1, 2, and 3.</p> <hr/> <p>Signature of Absentee Voter</p> <p>AVAILABLE TO VOTERS WHO CANNOT PROVIDE PHOTO ID</p>
<p>Box 6: REQUIRED ABSENTEE VOTER STATEMENT</p> <p><small>THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OF STATE LAWS.</small></p> <p><i>Maralotte Wood Pennington</i></p> <p>Signature of Absentee Voter</p>	

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE RETURN ENVELOPE FOR YOUR VOTE TO BE COUNTED!

ARKANSAS APPLICA



1535960

MARNETTE WENDI PENNINGTON

IF YOU PROVIDE FALSE INFORMATION ON THIS FINE OF UP TO \$10,000

TO COUNTY CLERK: Pulaski County/Circuit Clerk
401 W. Markham
Little Rock, AR 72201

DATE:

SEP 24 2019

- Dec 31 2020

I REQUEST AN ABSENTEE BALLOT BECAUSE [CHECK ONE]:

- I will be unavoidably absent from my polling site on Election Day, OR
- I will be unable to attend the polls on Election Day because of illness or physical disability, OR
- I reside in a long-term care or residential facility licensed by the state.

I RESIDE [CHECK ONE]:

- within the county in which I am registered to vote.
- outside the county in which I am registered to vote.
- I am a member of the merchant marine or uniformed services of the United States on active duty or service (UOCAVA)
- I am a United States citizen residing outside the territorial limits of the U.S. and the District of Columbia (UOCAVA).
- I am a spouse or dependent of a member of the merchant marine or uniformed services of the United States who will be absent from the place where I am qualified to vote because of the member's active duty or service (UOCAVA).

I REQUEST THE APPROPRIATE ABSENTEE BALLOT(S) FOR THE FOLLOWING ELECTIONS:

- Nonpartisan General Election only
- Preferential Primary/Nonpartisan General & Preferential Primary Runoff

[INDICATE POLITICAL PARTY PREFERENCE]: Republican

General Election/Nonpartisan Runoff & General Election Runoff

Annual School Election and Runoff

Special Election on _____ (Date) and Runoff, if applicable.

All elections for one calendar year. I am a voter with a disability, in a long-term or residential care facility, or living outside the county.

[INDICATE POLITICAL PARTY PREFERENCE]: Republican

All Elections through the next Federal General Election cycle. I am a UOCAVA voter.

[INDICATE POLITICAL PARTY PREFERENCE]: Republican

I WILL RECEIVE MY BALLOT BY [CHECK ONE]:

- Coming to the office of the county clerk by the time the county clerk's office regularly closes on the day before the election.
- Electronic Means* - My email address is: _____ *(Only available for UOCAVA voters)
- Mail. I request that you mail my ballot to the following address:

Wendi Pennington
109 Cambridge Place Drive
Little Rock, AR, 72207-2104

Designated Bearer, Administrator, or Authorized Agent: [PRINTED NAME]

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school, special election, preferential primary, or general election or the 7 days before a runoff or general primary election. A bearer, administrator, or agent must provide a current and valid photo ID to the clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both under federal laws.

I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered.

Wendi Marnette Pennington

Printed or Typed Name of Voter

X: Wendi Marnette Pennington

Signature of Voter

109 Cambridge Place Drive

Voting Residence Address of Voter

Little Rock, AR, 72207-2104

City or Town, State and Zip Code

Date of Birth of the Voter

1948

Signature of Bearer, Administrator, or Agent (if applicable)

RETURN THIS APPLICATION TO YOUR COUNTY CLERK.

You may obtain your County Clerk's return address for your Absentee Ballot Application at the following link:
<http://www.tos.arkansas.gov/blog/2018/11/documents/county-clerks-for-mailing.pdf>

Exhibit 12

RETRIEVED FROM DEMOCRACYDOCKET.COM

To: Sundararajan, Anagha[asundararajan@debevoise.com]
Cc: Adam Fogleman[afogleman@pulaskicounty.net]; Williford, Harold W.[hwilliford@debevoise.com]; McCann, Dana R.[drmccann@debevoise.com]; Rivkin, David W.[dwrivkin@debevoise.com]; Saltzman, Zachary H.[saltzmh@debevoise.com]; Cherie Abston[cabston@pulaskiclerk.com]; 'Pooja Chaudhuri'[pchaudhuri@lawyerscommittee.org]; Ezra Rosenberg[erosenberg@lawyerscommittee.org]; Ryan Snow[rsnow@lawyerscommittee.org]
From: Amanda Dickens[adickens@votepulaski.net]
Sent: Thur 11/17/2022 9:53:49 PM Coordinated Universal Time
Subject: Re: Freedom of Information Act Request
Attachment: 11032020_Disqualified Absentee.pdf

Anagha,

I have attached the spreadsheet containing the disqualified absentee ballots from the 2020 General Election. I do apologize for missing that file in your previous request. Please let me know if you need anything else.

Mr. Harrison is no longer with the County Clerk's office. I have copied Cherie Abston with the Clerk's office to this email. If you need anything from their office, please contact Ms. Abston.

Thank you,

Amanda Dickens
Election Coordinator
Pulaski County Election Department
501 W. Markham St., Ste. A
Little Rock, AR 72201
www.votepulaski.net

From: Sundararajan, Anagha <asundararajan@debevoise.com>
Sent: Thursday, November 17, 2022 2:48 PM
To: Amanda Dickens <adickens@votepulaski.net>; 'Marc Harrison' <mharrison@pulaskiclerk.com>
Cc: Adam Fogleman <afogleman@pulaskicounty.net>; Marc Harrison <mharrison@pulaskiclerk.com>; Williford, Harold W. <hwilliford@debevoise.com>; McCann, Dana R. <drmccann@debevoise.com>; Rivkin, David W. <dwrivkin@debevoise.com>; Saltzman, Zachary H. <saltzmh@debevoise.com>; 'Pooja Chaudhuri' <pchaudhuri@lawyerscommittee.org>; Ezra Rosenberg <erosenberg@lawyerscommittee.org>; Ryan Snow <rsnow@lawyerscommittee.org>
Subject: RE: Freedom of Information Act Request

Dear Ms. Dickens and Mr. Harrison,

Thank you again for your responses to our FOIA request. I wanted to follow up since your email attached the list of voters whose absentee ballot was made provisional or was rejected for all elections 2018 through 2020. However, on review, the only two lists in we received regarding the 2020 General Election were provisional ballot lists, "11032020 Provisional Absentee Ballots - NO ID -OV Signed," and "11032020 Provisional Ballots - NO ID OV Not Signed." We did not receive a list of people whose absentee ballots were disqualified without being marked as provisional.

To complete the FOIA request, would you be able to provide us with the list of disqualified absentee ballots from the 2020 General Election outside of the provisional population, including the reason for disqualification, at your earliest convenience?

Thank you and wishing you a very happy holiday season.

Best regards,

Anagha

Anagha Sundararajan | Associate | Debevoise & Plimpton LLP | asundararajan@debevoise.com | +1 212 909 6659 | www.debevoise.com

Preferred Pronouns: she/her/hers

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The latest version of our Privacy Policy, which includes information about how we collect, use and protect personal data, is at www.debevoise.com.

From: Amanda Dickens [mailto:adickens@votepulaski.net]
Sent: Friday, July 15, 2022 15:46
To: Sundararajan, Anagha
Cc: Adam Fogleman; Marc Harrison
Subject: Re: Freedom of Information Act Request

Anagha,

The Pulaski County Election Commission office is also in receipt of this FOIA request as of July 12, 2022. Attached are the records we have regarding the files that you requested. The records that are attached are the list of voters whose absentee ballot was made provisional or was rejected for all elections 2018 through 2020. The reasons for rejection are listed on the spreadsheet. If notices were sent, that is also indicated on the document. We do not have documentation on the specific cost to sending the notices or tabulating the ballots. Please let me know if there is anything else I need to provide or if there are any questions.

Thank you,

Amanda Dickens
Election Coordinator
Pulaski County Election Department
501 W. Markham St., Ste. A
Little Rock, AR 72201
www.votepulaski.net

From: Marc Harrison <mharrison@pulaskiclerk.com>
Sent: Tuesday, July 12, 2022 3:48 PM

To: Amanda Dickens <adickens@votepulaski.net>
Cc: Adam Fogleman <afogleman@pulaskicounty.net>
Subject: FW: Freedom of Information Act Request
Amanda,
See attached and below.Thanks,
Marc

From: Sundararajan, Anagha <asundararajan@debevoise.com>
Sent: Tuesday, July 12, 2022 12:56 PM
To: Marc Harrison <mharrison@pulaskiclerk.com>
Cc: Williford, Harold W. <hwwilliford@debevoise.com>; Rivkin, David W. <dwrivkin@debevoise.com>; Ezra Rosenberg <erosenberg@lawyerscommittee.org>; Pooja Chaudhuri <pchaudhuri@lawyerscommittee.org>; Ryan Snow <rsnow@lawyerscommittee.org>
Subject: RE: Freedom of Information Act Request

Dear Mr. Harrison,
Thank you so much for your email, and I appreciate you calling earlier today to follow up.
With respect to requests number 1, 4, and 5 (reproduced below), we are requesting documents from January 1, 2018 through the date of the receipt of the Request. In other words, we are requesting records from January 1, 2018 onward that:

1. [Are] sufficient to show, for each election during the Relevant Time Period in Pulaski County: (i) the number of absentee ballot applications submitted; (ii) the number of absentee ballots sent to voters; (iii) the number of absentee ballots returned; (iv) the number of absentee ballots accepted; (v) the number of absentee ballots rejected; and (vi) for each rejected ballot, the reason for rejection;
4. [Are] sufficient to show the cost to Pulaski County of reviewing and processing absentee ballots applications and tabulating absentee ballots, including, but not limited to any cost associated with providing voters notice and an opportunity to cure defects in an absentee ballot application or to cast a provisional ballot because of a lack of proper voter identification; and,
5. [Are] sufficient to show Pulaski County’s procedures for compiling, verifying, and processing election data and any audits of that data.

With respect to requests number 2 and 3, we are only requesting records from the November 2020 general election. In other words, for the following, we are only requesting information from the November 2020 election:

2. [R]ecords providing the following information on an individual basis for each and every voter who requested an absentee ballot in Pulaski County: (i) any demographic information, including but not limited to the voter’s name, address, and date of birth; (ii) and when each voter returned his/her absentee ballot; and (iii) whether that ballot was accepted or rejected; and
3. For each and every absentee ballot rejected during [the November 2020 general election], records sufficient to show: (i) the reason for rejection; (ii) the process by which the ballot was reviewed and processed; (iii) any process by which the voter was notified of the ballot’s rejection; (iv) any opportunity given to the voter to cure the ballot’s deficiency; and (v) the deficiency was cured and the vote was counted.

Please let me know if you have any further questions.

Thanks
Anagha

Anagha Sundararajan | Associate | Debevoise & Plimpton LLP | asundararajan@debevoise.com | +1 212 909 6659 | www.debevoise.com
Preferred Pronouns: she/her/hers

This e-mail message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you are not the intended recipient, please do not disseminate, distribute or copy this communication, by e-mail or otherwise. Instead, please notify us immediately by return e-mail (including the original message in your reply) and by telephone (you may call us collect in New York at 1-212-909-6000) and then delete and discard all copies of the e-mail. Thank you.
The latest version of our Privacy Policy, which includes information about how we collect, use and protect personal data, is at www.debevoise.com.

From: Marc Harrison [<mailto:mharrison@pulaskiclerk.com>]
Sent: Tuesday, July 12, 2022 13:30
To: Sundararajan, Anagha
Subject: RE: Freedom of Information Act Request

Hello,
The Pulaski Clerk’s Office is in receipt of your Arkansas Freedom of Information Act request as detailed in attachments sent with the email below. As I stated over the telephone, I apologize for the clerk’s office’s delay in responding to your request, and we are working to fulfill it by close of business July 15, 2022. I do have one question – you state on page one, paragraph 2 (continued on page 2) “between January 1, 2018 and the date of receipt of this Request.” However, items listed below reference the November 4, 2020 general election. Please clarify. Thank you,
Marc Harrison
Chief Administrator
Pulaski Circuit & County Clerk
501-340-8521



From: Sundararajan, Anagha <asundararajan@debevoise.com>
Sent: Tuesday, July 12, 2022 9:48 AM
To: Pulaski Clerk
Cc: Williford, Harold W.; Rivkin, David W.; 'Pooja Chaudhuri'; 'rsnow@lawyerscommittee.org'; Ezra Rosenberg
Subject: RE: Freedom of Information Act Request

Dear Ms. Hollingsworth,
I am writing to confirm that your office had received the Freedom of Information Act request, discussed below and re-attached here for your convenience, that was submitted on Thursday, June 30th, and to ask when we should expect to receive the requested documents.
If you have any questions, please feel free to contact us.

Sincerely,
Anagha Sundararajan

Anagha Sundararajan | Associate | Debevoise & Plimpton LLP | asundararajan@debevoise.com | +1 212 909 6659 | www.debevoise.com
Preferred Pronouns: she/her/hers

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intended recipient, please do not disseminate, distribute or copy this communication, by e-mail or otherwise. Instead, please notify us immediately by return e-mail (including the original message in your reply) and by telephone (you may call us collect in New York at 1-212-909-6000) and then delete and discard all copies of the e-mail. Thank you.

The latest version of our Privacy Policy, which includes information about how we collect, use and protect personal data, is at www.debevoise.com

From: Sundararajan, Anagha

Sent: Thursday, June 30, 2022 14:08

To: 'pulaskiclerk@arkansasclerks.com'

Cc: Williford, Harold W.; Rivkin, David W.; Pooja Chaudhuri; 'rsnow@lawyerscommittee.org'; Ezra Rosenberg

Subject: Freedom of Information Act Request

Dear Ms. Hollingsworth,

Pursuant to the Arkansas Freedom of Information Act, A.C.A. § 21-19-101 *et seq.*, please see attached a correspondence from Harold W. Williford of Debevoise & Plimpton and Pooja Chaudhuri of the Lawyers' Committee for Civil Rights on behalf of League of Women Voters of Arkansas, John McNee, Aelicia I. Orsi, Marshall Wayne Sutterfield, Shirley Faye Fields, Marnette Wendi Pennington, Mary J. McNamer, and Myra Tackett.

If you have any questions, please feel free to contact us.

Sincerely,

Anagha Sundararajan

**Debevoise
& Plimpton**

Anagha Sundararajan

Associate

Preferred Pronouns: she/her/hers

asundararajan@debevoise.com

+1 212 909 6659 (Tel)

www.debevoise.com

This e-mail message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you are not the intended recipient, please do not disseminate, distribute or copy this communication, by e-mail or otherwise. Instead, please notify us immediately by return e-mail (including the original message in your reply) and by telephone (you may call us collect in New York at 1-212-909-6000) and then delete and discard all copies of the e-mail. Thank you.

The latest version of our Privacy Policy, which includes information about how we collect, use and protect personal data, is at www.debevoise.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 13

RETRIEVED FROM DEMOCRACYDOCKET.COM

Prec ID	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
1000	Pamela D	Chatham		5214 N Via La Heroina	Tucson AZ		85750	addresses don't match		
1000	Kellie	Coleman		1114 N Jackson	Little Rock		72205	DOB doesn't match		
1000	Irea	Graves		311 E. 8th Unit 203	Little Rock	AR		Voter ID docs missing		
1000	Robert R	McIntosh		800 Brookside	Little Rock		72205	no ID		
1000	Henry S	Murray		40 Ninth Fairway Ln	Maumelle		72113	no ID		
1000	Lolita	Ronquillo		156 Obsidian DR	Sherwood	AR	72120	Voter Statement Missing		
1000	Lolita	Ronquillo		156 Obsidian DR	Sherwood		72120	Voter Statement Missing		
1000	John M	Smith		1512 McArthur Dr	Jacksonville		72076	designated bearer info missing		
1000	Norma J	Stotts		165 Auriel Cr	Maumelle		72113	no ID, statement missing		
1000	Floyd C	Turnage		3 Shepard Cv, #204	Little Rock		72205	no ID		
1000	MARY	ABDELLA		6508 SANDPIPER DR	LITTLE ROCK		72205	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
1000	Leester	Abernathy		5909 Valley dr apt 5	Little Rock	ar		voter statement missing		
1000	COLUMBUS	ABRAMS		2 FOXFIELD COVE	LITTLE ROCK		72211	ADDRESS IS FOREIGN/SIGNATURE NOT SAME		
1000	SCARLETT	ACKLIN		1000 KAVANAUGH BLVD APT 7	LITTLE ROCK	AR	72205	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
1000	Melinda K	Adam		9 Betsy Ln	Little Rock		72205	DOB on statement incomplete		
1000	Tommie	Adams		1823 S Summit St	Little Rock	AR	72202	no signature on statement		
1000	Doyle	Adams		501 Napa Valley Dr Apt 302	Little Rock	AR	72211	Voter signature missing		
1000	Curtis	Adams		500 Autumbrook cir	Little Rock	AR		voter statement missing		
1000	Srinivas	Adicherla		132 Congressional Dr	Little Rock, AR		72210	No application attached		
1000	Sai-srilekha	Adicherla		132 Congressional	Little Rock		72210	DOB doesn't match		
1000	Scott	Admire		6 Anna LN	Jacksonville	AR	72076	Voter Identification Documents missing		
1000	Scott	Admire		6 Anna LN	Jacksonville		72076	Voter Identification Documents missing		
1000	SHARON	AHRING		15 OLD DELMONTE DR	LITTLE ROCK		72212	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		

EC Initials

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Bertha	Akins		203 S Hospital blvd apt 19	Jacksonville	Ar		voter id docs missing, voter statement missing		
	1000	DENISE	ALCOCER		14 STONEBRIDGE CIR	LITTLE ROCK	AR	72223	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Virgie	Alexander		8101 W 22nd ST	Little Rock	AR	72204	No address for Designated Bearer		
	1000	Tabitha	Alexander		4811 W 23rd	Little Rock	AR	72204	Names do not agree on statement		
	1000	Linda	Alexander		1801 Princeton Dr	Little Rock	AR	72204	conflicting information, application and statement		
	1000	Juana F	Alexander		7722 MaCarthur Dr	NLR, AR	AR	72118	Missing address on app, no signature on statement		
	1000	Diana J	Alexander		300 W 18th St	North Little Rock	AR	72114	statement missing		
	1000	Virgie	Alexander		8101 W 22nd ST	Little Rock	AR	72204	No address for Designated Bearer		
	1000	JACE	ALEXANDER JR		14 BENT TREE DR	LITTLE ROCK	AR	72212	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Jackson	Allen		4710 Crestwood DR	Little Rock	AR	72207	Voter Identification Documents missing/Information on Application and Voter Statement does not match/Voter Statement Missing/ Ballot not in Ballot Envelope		
	1000	Becky	Allen		663 Arrow Lane	Kissimmee, FL	FL	34746	3 different addresses		
	1000	Jackson	Allen		4710 Crestwood DR	Little Rock	AR	72207	Voter Identification Documents missing/Information on Application and Voter Statement does not match/Voter Statement Missing/ Ballot not in Ballot Envelope		
	1000	Adeaja	Anderson		2610 Chadwick Ln	Venus, TX	TX	76084	typed signature, didn't sign		
	1000	NORA	ANDERSON		7103 BRIAR GLEN CV	SHERWOOD	TX	72120	VOTER IDENTIFICATION MISSING/VOTER STATEMENT MISSING		

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									VOTER ID DOCUMENTS		
	1000	FREDDIE	ANDERSON		7103 BRIAR GLEN CV	SHERWOOD	AR	72120	MISSING; VOTER STATEMENT		
	1000	Alinda	Andrews		P.O. Box 4574	Little Rock	AR	72214	MISSING		
	1000	Simeon I	Anikwe		5701 Pecan Lake Rd	Little Rock, AR	AR	72204	Not signed by voter		
	1000	Reba	Anthony		9509 Marland CV	Sherwood	AR	72120	No DOB on application		
	1000	Reba	Anthony		9509 Marland CV	Sherwood	AR	72120	No Signature box 6		
	1000	RANDY	ASHLEY		15711 SETTLEMENT RD	MAUMELLE	AR	72113	NO SIGNATURE ON VOTER STATEMENT		
	1000	Peter	Astifan		7312 Twin Oaks	Little Rock	AR	72209	statement missing		
	1000	Yogesh	Asudani		3 Alton Ln	Little Rock, AR	AR	72211	DOB doesn't match on application & statement		
	1000	Sandra	Attaway		6411 Valley Ranch Dr	Little Rock	AR	72223	No DOB info		
	1000	PATRICIA	AUSBROOK S		1401 S SCHILLER ST	LITTLE ROCK	AR	72202	VOTER ID DOCUMENTS MISSING		
	1000	Beatrice	Austin		4911 145th St.	Little Rock, AR	AR	72206	ID missing & statement missing		
	1000	Kathylene	Austin		4709 W 16th St	Little Rock	AR	72204	DOB year wrong (2020), no designated bearer address		
	1000	Manuel G	Avery, Jr		4308 Baucum Pike	North Little Rock	AR	72117	DOB missing on application		
	1000	Aaron G	Bailey		600 W Kiehl Ave	Sherwood, AR	AR	72120	Info (DOB) on app & statement don't match. Signiture missing.		
	1000	Martha C	Bailey		307 Red River Dr	Sherwood, AR	AR	72120	No DOB on application		
	1000	Gloria	Baker		1220 S Woodrow ST	Little Rock	AR	72204	Materials or Information Missing		
	1000	Cory D	Baker		8000 Beechfield	North Little Rock	AR	72116	addresses don't match		
	1000	Gloria	Baker		1220 S Woodrow ST	Little Rock	AR	72204	Materials or Information Missing		
	1000	DOROTHEA	BAKER		27 TIMBERLAKE DR	LITTLE ROCK	AR	72207	OTHER REASON/NO SIGNATURE		
	1000	Virginia	Baltosse		19 Bradford dr	Little Rock	AR		Information on application and voter statement do not match.		

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EC Initials

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	1000	RICHARDSON	BARBARA		57 S MEADOWCLIFF DR	LITTLE ROCK	AR	72209	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Jan	Barker		127 Wellington Plantation Ln	Little Rock		72211	Id and statement missing, information doesn't match, ballot not in proper envelope		
	1000	Delores F	Barker		1912 Green Mtn, #409	Little Rock		72212	application not signed		
	1000	Kate	Barnes		14 Sologne Cir	Little Rock	AR	72223	Voter statement missing		
	1000	Dorothy A	Barnes		510 Brookside Dr, RM 74	Little Rock, AR		72205	ID missing & statement missing		
	1000	BELANNA	BARNES		5517 WESTVIEW DR	NORTH LITTLE ROCK		72116	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	George	Barnett		6411 Valley Ranch Dr	Little Rock		72223	Voter ID documents missing info on application and voter statement does not match Voter statement missing No voter info, DB info, photo ID		
	1000	Eula	Barnette		1816 Green Meadow DR	Little Rock	AR	72204	Voter Identification Documents missing/ Voter Statement missing		
	1000	Eula	Barnette		1816 Green Meadow DR	Little Rock		72204	Voter Identification Documents missing/ Voter Statement missing		
	1000	Desha C	Basham		39 Flag Rd	Little Rock, AR		72205	ID missing & statement missing		
	1000	Berdia	Bashful		214 Maranes Cir	Maumelle		72113	DOB does not match		
	1000	Joni	Bates		1800 Pine Valley Rd	Little Rock	AR	72207	Application statement--DOB does not match		
	1000	Donna D	Bates		14 River Glen Cir	Little Rock		72202	DOB year wrong (2020)		
	1000	John C	Bauer		557 N. Tennyson Ln	Fayetteville, AR		72704	Address on app & statement doesn't match		
	1000	John T	Baxter		4815 Crestwood	Little Rock		72207	names and DOB don't match		
	1000	Tim C	Bayani		3708 North Hills Blvd	North Little Rock		72116	signatures don't match		
	1000	Earline	Baylark		6411 Valley Ranch Dr	Little Rock	AR	72223	No DOB verification, and missing info		
	1000	Patric C	Bearden		3 Stoney Ridge Ln	Maumelle, AR		72113	Signature mismatch		

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Prec	ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
		1000	DOUGLAS	BEARDEN		3 STONEY RIDGE LN	MAUMELLE		72113	DATE OF BIRTH DOES NOT AGREE		
		1000	Stephen R	Becker		722 Lake Tree Ln	Sherwood		72120	statement missing		
		1000	Clydia	Bell		504 Wisteria Dr	North Little Rock	AR	72118	DOB mis match		
		1000	Mary E	Bell		8 River View Pt	Little Rock, AR		72227	DOB on app & statement doesn't match		
		1000	Gloria J	Bell		317 Meadow Park	North Little Rock		72117	signature missing		
		1000	RUBY	BENNETT		2323 MCCAIN BLVD APT 202B	NORTH LITTLE ROCK		72116	OTHER REASONS/NO SIGNATURE ON VOTERS STATEMENT		
		1000	Lonnie	Benson		7308 Dakota Dr	North Little Rock		72116	DOB not on application		
		1000	Ellen	Berg		9880 Brockington Rd Apt 222	Sherwood	AR	72120	Everything in ballot envelope information on Application and Voter Statement does not match		
		1000	Sarah	Beverly		12 Wimbledon Green Circle	Little Rock	AR	72210	/Address information on Application and Voter Statement does not match		
		1000	Sarah	Beverly		12 Wimbledon Green Circle	Little Rock		72210	/Address information on Application and Voter Statement does not match		
		1000	RUPAL	BHAKTA		7501 S GUENTHER RD	ROLAND	AR	72135	OTHER: NO SIGNATURE ON VOTER STATEMENT		
		1000	Janet L	Bienvenu		PO Box 241092	Little Rock		72223	addresses on app and statement don't match		
		1000	Dale	Bienvenu		PO BOX 241092	Little Rock	AR		Information on application and voter statement does not match		
		1000	William	Bishop		23225 Story rd	Little Rock	AR		no address on application		
		1000	Norma	Bishop		8700 Riley Dr apt 213	Little Rock	AR		voter identification docs missing/no ballot only envelope		
		1000	Mary A	Blackburn		2 Wellington Ct	Little Rock		72227	DOB different		
		1000	Dorothy	Blackstone		5405 N. Vine ST	North Little Rock	AR	72116	Voter Statement Missing		
		1000	Dorothy	Blackstone		5405 N. Vine ST	North Little Rock		72116	Voter Statement Missing		
		1000	James R	Blanchard		10806 Lorrie Ln	Mablevale		72103	DOB doesn't match		

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	1000	LaToya	Blanks		4415 E 46th St Apt 17	North Little Rock	AR	72117	Id and statement missing		
	1000	Patricia M	Blass		16 W Palisades Dr	Cammack Village		72207	statement missing		
	1000	KEVIN	BLAZER		6025 STAGECOACH RD	LITTLE ROCK		72204	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Daniel M	Blead		Marcelo T. de Alvear 684	Buenos Aires, Buenos Aires C1058AAH Argentina			Address mismatch		
	1000	ANTHONY	BLEVENS		3 HONEY LOCUST CT	LITTLE ROCK		72211	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	LESTER	BLOW		8333 COUNTS MASSIE RD	MAUMELLE		72113	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Deborah	Bohiken		1817 Foreman Dr	Little Rock	AR	72227	no address or DOB on voter statement		
	1000	Alfred	Bolden		6404 Elmore Rd	Little Rock	AR	72209	ID missing		
	1000	Jerry	Boles		1028 Apollo Beach Blvd #314	Apollo Beach		33572	Address does not match		
	1000	David	Bond-Martin		1921 Broken Arrow dr 201 Teague Ln Apt 1601	NLR	AR		information on application and voter statement does not match		
	1000	Deloris	Bone		5312 Stonewall Rd	Sherwood	AR	72120	conflicting address info		
	1000	Barbara	Bonner			Little Rock	AR	72207	Conflicting DOB info		
	1000	YONG	BOOTH		615 LENORA ST	JACKSONVILLE		72076	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	CORTNEY	BOOTH		1527 W 78TH APT 318	TULSA	OK	74132	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	JOHN	BORNHOFFEN		14 RIVER RIDGE RD	LITTLE ROCK	AR	72227	OTHER		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Leigh	Bornhoff		1300 Loyola Dr	Little Rock	AR	72211	Id, statement missing, conflicting information, ballot only		
	1000	MICHELLE	BORNHOFF		1300 LOYOLA DR	LITTLE ROCK		72211	OTHER REASON/NO ADDRESS FOR BEARER		
	1000	FRANCES	BOSWELL		2701 ALDERSGATE RD, APT 615	LITTLE ROCK	AR	72205	OTHER		
	1000	CAYMAN	BOTNER		12701 RIVERCREST DR FlatB1	LITTLE ROCK		72212	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Nancy	Bowen		2 Mt. Davis Road, Flat B 1 Pokfulam	Hong Kong Island HONG KONG			Voter used current address on voter statement UOCAVA Address does not match		
	1000	SHEILA	BOWERS		220 BERKSHIRE CIRCLE	JACKSONVILLE		72076	OTHER REASON/NO SIGNATURE		
	1000	James B	Bowling		4207 Westridge Dr	NLR, AR		72116	DOB mismatch		
	1000	SANDRA	BOYD		9202 HERNDON RD	LITTLE ROCK		72204	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Laura	Bradach		402 E Lee Ave	Sherwood	AR	72120	Statement not signed		
	1000	Eric D	Braden		7 Painted Turtle Cv	Little Rock, AR		72211	Voter statement missing		
	1000	Paytura	Bradley		23 Elmhurst Dr	Little Rock	AR	72209	Voter statement missing		
	1000	Simmy	Branch		800 Bartlett Rd Apt. 3	Memphis, TN		38122	wrong zip code		
	1000	Benton D IV	Brandon,		410 Ouachita St, Box 3976	Arkadelphia		71988	names do not match		
	1000	WAYNE	BRANNON		400 FOREST OAK CV	JACKSONVILLE		72076	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Molly F	Brantley		319 New York Ave 3D	Brooklyn, NY		11213	No application attached		
	1000	CHERYL	BRAY		504 SUSSIX LOOP	SHERWOOD	AR	72120	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Martha P	Brewer		13411 Pompano Dr	Little Rock, AR		72211	MISSING		
	1000	Shirley A	Brewer		608 W 24th St	North Little Rock		72114	Signature mismatch		
	1000	Anita J	Brewer		3515 Gum St	North Little Rock		72118	different birth dates		
	1000	William S	Briant, Jr		5908 Cypress Creek	North Little Rock		72116	no ID, address incomplete		
	1000								statement missing		

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	1000	Erin C	Bright		31 Hightrail Dr	Maumelle, AR		72113	DOB on app & statement doesn't match		
	1000	Carolyn S	Brodie		28 Jacob Pl	Little Rock		72211	no ID		
	1000	Angela S	Brooks		1701 Westpark Dr	Little Rock, AR		72204	Address mismatch		
	1000	JAMES	BROOKS		6206 MEADOWBROOK LANE	NORTH LITTLE ROCK		72118	VOTER IDENTIFICATION DOCUMENTS MISSING/NO DATE OF BIRTH		
	1000	Geneva	Brooks		1419 N Vine St	NLR	AR		Ballot was not in ballot envelope.		
	1000	BELINDA	BROUGHT		1701 TROOP CT	JACKSONVILLE	AR	72076	VOTER STATEMENT MISSING		
	1000	Omie	Brown		39 Greenway Dr	Little Rock	AR	72209	Voter ID documents missing		
	1000	Cindy L	Brown		15 Oakwood Rd	Little Rock, AR		72202	statement incomplete Materials or Info missing		
	1000	Dygaryen D	Brown		8706 Barber St	Sherwood		72120	No application attached		
	1000	BRENDA	BROWN		624 W 47TH ST	NORTH LITTLE ROCK		72118	VOTER IDENTIFICATION MISSING/DATE OF BIRTH NO MATCH		
	1000	GLORIA	BROWN		13608 STONEHENGE CV	NORTH LITTLE ROCK		72117	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Ellen	Brown		3505 Dunkeld dr	NLR	AR		information on application and voter statement does not match		
	1000	Donna S	BROYLES		1206 W 47TH	NORTH LITTLE ROCK		72118	VOTER IDENTIFICATION DOCUMENTS MISSING/ADDRESS NO MATCH		
	1000	Ann L	Pineda		2020 Hinson Loop Rd, Apt. 1011	Little Rock, AR		72212	ID missing & statement missing		
	1000	Claryne	Bruck		Final Prolongacion Norte Ave Las Azaleas y Pasaje A #7-8	San Salvador, San Salvador 00000 El Salvador			ID missing & statement missing		
	1000	Russel	Bruhn		13423 Crystal Valley RD	Little Rock	AR	72210	No DOB on application, year not correct		
	1000				116 N. Taylor ST APT 3	Little Rock	AR	72205	Voter Identification documents missing / Voter Statement Missing		

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	1000	Russel	Bruhn		1116 N. Taylor ST APT 3	Little Rock		72205	Voter identification documents missing / Voter Statement Missing		
	1000	Mattie B	Bryant		3225 N Olive St	North Little Rock		72116	no ID		
	1000	Candice	Bryant		305 Ridgela ave	Sherwood	Ar		voter information on application and voter statement does not match		
	1000	Priscilla	Bryles		624 West 18th St	North Little Rock		72114	DOB and address don't match		
	1000	Bailey	Buck		34 Congressional Drive	Little Rock	AR	72210	No DB information on Voter Statement		
	1000	Bailey	Buck		34 Congressional Drive	Little Rock		72210	No DB information on Voter Statement		
	1000	Eric H	Buckner		1 Eagle Cove	Maumelle		72113	addresses don't match		
	1000	Carol S	Buddenberg		101 Olympia Dr, Apt 114	Maumelle, AR		72113	ID missing, incomplete address on application		
	1000	Martha	Buie		1308 Sycamore st	NLR	Ar		Information on application and voter statement does not match		
	1000	Gloria	Bunch		9404 Stillman Dr	Little Rock	AR	72209	Id and statement missing, information doesn't match, materials missing		
	1000	Peggy J	Bunch		3011 W Grinde Rd	Little Rock, AR		72206	Info on app & statement doesn't match		
	1000	Johnna K	Burkhalter		535 W. Meadow St.	Fayetteville, AR		72701	Address on app & statement doesn't match		
	1000	Jackson D	Burks		2295 S Camron Circle	Fayetteville, AR		72701	Addresses don't match		
	1000	Leaquian T	Burl		13 Rolling Ln	Little Rock		72209	DOB doesn't match		
	1000	Joyce	Burns		109 Barton St, Lot 26	Little Rock	AR	72205	Problem with signature		
	1000	PATRICIA	BURNS		6506 SANDRA K DR	NORTH LITTLE ROCK		72118	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Geraldine E	Burroughs		14123 Hilario Springs Rd	Little Rock		72206	no ID, statement not signed		
	1000	HAROLD	BURROUGH S		14123 HILARIO SPRINGS RD	LITTLE ROCK		72206	VOTER IDENTIFICATION DOCUMENTS MISSING/OTHER REASON: NO SIGNATURE		

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	1000	William	Burton		183 Villas Heights Dr	Little Rock	AR	72223	id, statement missing, conflicting info. Missing materials		
	1000	Gladys M	Burton		5810 Woodlawn Dr	Little Rock, AR		72205	DOB on app & statement doesn't match		
	1000	PEGGY	BURTON		11008 S HWY 161	JACKSONVILLE		72076	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Winfred E	Busbey		19850 Colonel Glenn PO Box 18237	Little Rock, Memphis		72210 38131	no ID, statement missing Voter statement missing		
	1000	Mary	Button		315 Englewood Rd	Cammack Village	AR	72207	Id missing		
	1000	Hope	Bynum		6 Random Oaks Cv	Maumelle		72113	DOB missing on application		
	1000	Gloria D	Byrd		16409 Chenal Vly, #3303	Little Rock		72223	no DOB on application		
	1000	JENNIE	BYRD		11709 WATSON RD	SHERWOOD	AR	72120	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Shannon N	Caldwell		2919 W 4th	Little Rock		72205	no ID, info on app and statement don't match		
	1000	LORES	CALDWELL		2612 LANSBROOK DR	N. LITTLE ROCK	AR	72117	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Leon	Camp		2 Robinwood Dr	Little Rock	AR	72227	No Designated Bearer info on Voter Statement		
	1000	Leon	Camp		2 Robinwood Dr	Little Rock	AR	72227	No Designated Bearer info on Voter Statement		
	1000	Duff G	Campbell		14209 Longtree	Little Rock		72212	addresses don't match		
	1000	Everett G	Campbell		8602 Kendra Rd	Jacksonville		72076	no ID, statement missing		
	1000	SEKESKA	CAMPBELL		9300 TREASURE HILL RD APT 1407	LITTLE ROCK		72227	OTHER REASON/DATE OF BIRTH DIFFERENT		
	1000	EVELYN	CANADY		8700 RILEY DR APT 604	LITTLE ROCK		72205	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Kimberly	Cannon		3509 N Olive St	North Little Rock	AR	72116	Voter ID documents missing Voter statement not signed in correct area		
	1000	LAURA	CANTWELL		19 N ENDSQUICK CT	NORTH LITTLE ROCK		72116	MATERIALS OR INFORMATION MISSING		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Kadesha	Caradine		5308 Park Village	Little Rock	AR	72209	no ID, signatures don't match		
	1000	Jeffrey	Carfagno		4323 S lookout rd	Little Rock	AR		date of birth missing		
	1000	Louise	Carle		6411 Valley Ranch Dr	Little Rock	AR	72223	No DOB verification, and missing info		
	1000	Tony	Carpenter		14106 Shady Ln	North Little Rock	AR	72118	Signatures don't match		
	1000	Leslie	Carter		2613 Hidden Valley Dr	Little Rock	AR	72212	Voter Identification Documents missing/ Voter Statement missing		
	1000	Dale W	Carter		4211 Stoneview Ct	Little Rock	AR	72212	Signatures don't match		
	1000	Annie M R	Carter		5906 Krim Dr	Norcross GA	GA	30093	no ID, statement missing		
	1000	Gerald W	Carter		6411 Valley Ranch	Little Rock	AR	72223	no ID, statement missing		
	1000	Leslie	Carter		2613 Hidden Valley DR	Little Rock	AR	72212	Voter Identification Documents missing/ Voter Statement missing		
	1000	Robin	Casteel		314 Alanbrook Ave.	Sherwood	AR	72120	No Voter Statement		
	1000	Kenneth H	Castleberry		16401 Chenal Vly, #6105	Little Rock	AR	72223	no birthdate on app, addresses don't match		
	1000	Bethany M	Cater		120 W G Ave	NLR, AR	AR	72116	Signature mismatch		
	1000	John A	Cavard		2209 Crestwood Rd	NLR, AR	AR	72116	DOB year ONLY on application		
	1000	Jerry	Chacon		2608 Gristmill Rd	Little Rock	AR	72227	Addresses do not match		
	1000	Patricia	Chacon		2608 Gristmill Rd	Little Rock	AR	72227	Addresses do not match		
	1000	Nancy	Chambers		21 Yazoo cir	Maumelle	AR		Information on application and voter statement do not match.		
	1000	HALEY	CHANCELLOR		5514 KUYKENDALL RD	JACKSONVILLE	AR	72076	OTHER REASON/NO SIGNATURE ON VOTER APPLICATION		
	1000	MAE	CHATMAN		7300 FAIRFIELD DR	LITTLE ROCK	AR	72209	VOTER ID DOCUMENTS MISSING		
	1000	Wendell	Chesshir		307 W Maryland ave Unit E	Sherwood	AR		signature does not match		
	1000	Diana	Chidester		113 Revere Ct	Jacksonville	AR	72076	No Designated Bearer info on Voter Statement		
	1000	Diana	Chidester		113 Revere Ct	Jacksonville	AR	72076	No Designated Bearer info on Voter Statement		
	1000	Alison	Chino		2122 16th st	Rock Island	IL		Information on application and voter statement do not match.		

EC Initials

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Ann E	Chisholm		13 Gas Light Square	North Little Rock	AR	72116	signature missing		
	1000	Willie L	Christopher, Sr		1107 Stone St	Jacksonville, AR	AR	72076	No signature on statement		
	1000	Marion	Chudy		Parkstone Place #1 Parkstone Circle	North Little Rock	AR	72116	Info on application and voter statement does not match--different address		
	1000	Tommy	Clark		3 Shawbridge LN	Little Rock	AR	72212	Voter Statement Missing		
	1000	Thelma	Clark		224 E. 7th ST APT 411	Little Rock	AR	72202	No Bearer Information/ No ID / NO Designated Bearer		
	1000	Tommy	Clark		3 Shawbridge LN	Little Rock	AR	72212	Voter Statement Missing/ No ID / No Bearer Information/ No ID / NO Designated Bearer		
	1000	Thelma	Clark		224 E. 7th ST APT 411	Little Rock	AR	72202	NO Designated Bearer		
	1000	Jessica L	Clasen		PSC 1 Box 4435 APO AE 09009-0045				no ID, statement missing		
	1000	Willie	Clay		87 Bently Dr	Little Rock	AR	72210	No Designated Bearer info on Voter Statement		
	1000	Willie	Clay		87 Bently Dr	Little Rock	AR	72210	No Designated Bearer info on Voter Statement		
	1000	Janey	Clemmons		1218 S Ringo St	Little Rock	AR	72202	no address of DB on voter statement		
	1000	Carolyn	Clendenin		5106 Western Hills Ave	Little Rock	AR	72204	Stated that they voted in person and returned ballot		
	1000	Gloria	Cleveland		6411 Valley Ranch Dr	Little Rock	AR	72223	No DOB verification, and missing info		
	1000	JOSHUA	CLOUSE		516 CAMBRIDGE PL DR	LITTLE ROCK		72227	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	LIZABETH	CLOUSE		516 CAMBRIDGE PL DR	LITTLE ROCK		72227	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Brendan T	Clower		2400 Riverfront #1424	Little Rock		72202	DOB missing on statement		
	1000	Roger L	Coffman, Jr		9812 Tadpole Rd	Cabot		72023	no ID, statement missing		
	1000	Janelle	Colaanni		29 Tallyho Ln	Little Rock, AR		72227	No signature on statement		
	1000	STEPHEN	COLE		13605 IVY POINT	LITTLE ROCK		72211	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Carolyn	Cole		3226 S. Battery St	Little Rock	AR	72206	No Designated Bearer info on Voter Statement		
	1000	Carolyn	Cole		3226 S. Battery St	Little Rock	AR	72206	No Designated Bearer info on Voter Statement		
	1000	Mary	Coleman		2317 Cloverdale Rd	Jacksonville	AR		voter statement not signed		
	1000	Brain	Cook		512 Hillwood Drive	Sherwood	AR	72120	Voter Identification Documents missing /Voter Statement		
	1000	Grady C	Cook		PO Box 250104	Little Rock	AR	72225	DOB doesn't match		
	1000	Brain	Cook		512 Hillwood Drive	Sherwood	AR	72120	Voter Identification Documents missing /Voter Statement		
	1000	Evelyn R	Cooper		2723 S Harrison	Little Rock	AR	72204	statement missing		
	1000	Cougan	Copelin		1115 W 52nd St	NLR, AR	AR	72118	No DOB on application		
	1000	RICHARD	COPPELA		14310 ORLEANS DR	LITTLE ROCK	AR	72211	NO SIGNATURE ON VOTER STATEMENT		
	1000	MARGARET	CORNETT		14300 CHENAL PKWY APT 7434	LITTLE ROCK	AR	72211	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	JULIE	COTROS		34 HICKORY HILLS CIRCLE	LITTLE ROCK	AR	72212	OTHER PERSON SIGNATURE DOESN'T MATCH		
	1000	Anna	Cotton		724 North ST	Little Rock	AR	72201	Designated Bearer Information Missing		
	1000	Anna	Cotton		724 North ST	Little Rock	AR	72201	Designated Bearer Information Missing		
	1000	LEE	COULTER JR		2800 W 13TH ST	LITTLE ROCK	AR	72204	DATE OF BIRTH MISSING FROM VOTER STATEMENT		
	1000	Don R	Council		1 Bradford Dr	Little Rock	AR	72227	signatures don't match		
	1000	John	Cox		5614 Rhoads LN	Sherwood	AR	72120	No address for Designated Bearer		
	1000	Jo Ann	Cox		5614 Rhoads LN	Sherwood	AR	72120	Bearer Information incomplete on Statement		
	1000	Barbara	Cox		907 Becky Dr	Sherwood	AR	72120	No id and no optional statement		
	1000	Rebecca J	Cox		8301 Alvin Ln	Little Rock, AR	AR	72227	ID missing & statement missing		
	1000	John	Cox		5614 Rhoads LN	Sherwood	AR	72120	No address for Designated Bearer		
	1000	Jo Ann	Cox		5614 Rhoads LN	Sherwood	AR	72120	Bearer Information incomplete on Statement		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	STANLEY	COX		1421 N UNIVERSITY AVE APT S335	LITTLE ROCK	AR	72207	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	PATRICIA	COX		1907 CHERRYBEND DR	LITTLE ROCK	AR	72211	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	KATHERINE	COX		3618 LAKEVIEW RD	N. LITTLE ROCK	AR	72116	VOTER STATEMENT MISSING		
	1000	Samantha	Crawford		1507 S. Pierce St.	Little Rock, AR		72204	No address on voter statement		
	1000	Jacqueline	Credit		104 Pin Oak cv	Little Rock	AR		not filled out		
	1000	Adam	Crockett		7410 Choctaw RD	Little Rock	AR	72205	Information on Application and Voter Statement does not match /Birth Date does not match		
	1000	Adam	Crockett		7410 Choctaw RD	Little Rock		72205	Information on Application and Voter Statement does not match /Birth Date does not match		
	1000	KATHLEEN	CRONIN		904 MELLON ST	LITTLE ROCK	AR	72207	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	GEORGIA	CROSS		2200 ANDOVER CT APT 402	LITTLE ROCK		72227	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH/DATE OF BIRTH INCOMPLETE		
	1000	Michael E	Crutchfield		5700 Cadron Creek	North Little Rock		72116	statement missing		
	1000	Evelyn	Culclager		2611 Lewis St	Little Rock, AR		72204	Voter statement missing		
	1000	Anna J	Cummings		3512 Highway 161	NLR, AR		72117	No voter statement		
	1000	Jacob	Currence		1722 N. Spruce ST	Little Rock	AR	72207	Address Does not match		
	1000	Jacob	Currence		1722 N. Spruce ST	Little Rock		72207	Address Does not match		
	1000	Ronda J	Curtis		14316 Cecil Dr.	Little Rock, AR		72223	DOB doesn't match on application & statement		
	1000	MARY JO	CURTIS		23 CHEVAUX CIR	LITTLE ROCK	AR	72223	VOTER STATEMENT MISSING		

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Prec	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
1000	Michael	Dahly		8307 Easy st	Sherwood	AR		dob missing on voter application		
1000	Karen	Dailey		1 Crown Mountain Ct	Maumelle	AR	72113	No Designated Bearer info on Voter Statement		
1000	Karen	Dailey		1 Crown Mountain Ct	Maumelle	AR	72113	No Designated Bearer info on Voter Statement		
1000	Jeffrey	Daniel		2101 Peach Tree Dr	Little Rock	AR	72211	No DB info on voter statement		
1000	Regan M	Daniel		60 Ranch Ridge Rd	Little Rock, AR	AR	72223	Address on app & statement doesn't match		
1000	Heather	Danridge		9113 Woodbine	Sherwood	AR	721120	Voter Identification Documents missing /Voter Statement missing /No Ballot		
1000	Heather	Danridge		9113 Woodbine	Sherwood	AR	721120	Voter Identification Documents missing /Voter Statement missing /No Ballot		
1000	Marwan	Darnell		117 Montpelier Dr	Maumelle	AR	72113	birth dates different on application and statement		
1000	Eddie	Davenport		800 Brookside Dr Apt 301B	Little Rock	AR	72205	Voter ID documents missing no optional		
1000	Lisa	Davey		323 Parkdale St	North Little Rock	AR	72117	DOB does not match		
1000	Hedwig	Davis		604 S. Valentine ST	Little Rock	AR	72205	Materials are all inside ballot envelope		
1000	Michael	Davis		210 N. Plum ST	North Little Rock	AR	72114	Information on Application and Voter Statement does not match/ DOB		
1000	Alonzo	Davis		1907 Arrowhead Rd.	NLR, AR	AR	72118	Empty Envelope/ No Ballot		
1000	Linda J	Davis		65 Meadow Ridge Loop	Maumelle	AR	72113	ID missing, statement missing, mailed in ballot envelope		
1000	Alonzo L	Davis		1907 Arrowhead	North Little Rock	AR	72118	statement incomplete		
1000	Hedwig	Davis		604 S. Valentine ST	Little Rock	AR	72205	no ballot		
1000	Michael	Davis		210 N. Plum ST	North Little Rock	AR	72114	Information on Application and Voter Statement does not match/ DOB		
1000	Michael	Davis		210 N. Plum ST	North Little Rock	AR	72114	Empty Envelope/ No Ballot		

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EC Initials

ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
									VOTER IDENTIFICATION DOCUMENTS MISSING/INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	NELSON	DAVIS		1320 BRADEN ST	JACKSONVILLE	AR	72076			
	1000	James R	Davis, Sr		1235 Wright St	Jacksonville, AR	AR	72076	No application attached		
	1000	Robin	Day		305 S Palm St	Little Rock	AR	72205	No signature on statement		
	1000	Jocelyn	de Anda		Oberer Robruclde 37a	Kl-Molschbach, Germany		67661	Addresses don't match		
	1000	Cherry	Deacon		#705- 104 26 Avenue S.W.	Calgary, Alberta T250L9 Canada			Voter ID documents missing Voter statement missing Only ballot here		
	1000	Terry W	Dean		7018 Morgan Dr	Little Rock, AR		72209	Voter statement missing		
	1000	Christopher D	Debin		17 N Sherrill Rd	Little Rock, AR		72202	Signature mismatch		
	1000	Nicholas R	Delacerda		114 El Dorado Dr	Little Rock		72212	used current year for birth year		
	1000	Mabel	DeLeon		5704 Walnut Rd	North Little Rock	AR	72116	DOB missing on application		
	1000	KEVIN	DELGMAN		304 IDAHO DR	NORTH LITTLE ROCK		72118	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	MELANIE	DELGMAN		304 IDAHO DR	N. LITTLE ROCK	AR	72118	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Kashaya	Dement		5201 Nelson Dr	North Little Rock	AR	72118	No Designated Bearer info on Voter Statement		
	1000	Kashaya	Dement		5201 Nelson Dr	North Little Rock	AR	72118	No Designated Bearer info on Voter Statement		
	1000	STEVEN	DEMPSEY		1529 ROCKWATER LANE	NORTH LITTLE ROCK		72114	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Patrick	Dennis		31 Village Grove Rd	Little Rock	AR	72211	Voter statement not filled out		
	1000	ROBERT	DENNIS		94 PEBBLE BEACH DR	LITTLE ROCK	AR	72212	DATE OF BIRTH MISSING FROM APPLICATION		
	1000	Jane A	Diemer		14 Hornrimme Pl	Maumelle		72113	DOB doesn't match		

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Prec	ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
						3474 E Kiehl Ave, Apt 7408	Sherwood, AR		72120	Signitures don't match		
		1000	Terry N	Diffie		7408			72204	No application attached		
		1000	Daisy	Dixon		7801 Kanis Rd	Little Rock, AR			Materials or Information Missing/ No Materials to work with		
		1000	Samella	Dixon		201 Teague LN APT 104	Sherwood	AR	72120	Materials or Information Missing/ No Materials to work with		
		1000	Samella	Dixon		201 Teague LN APT 104	Sherwood		72120	Materials or Information Missing/ No Materials to work with		
		1000	Lesa	Doan		601 Napa Valley DR APT123	Little Rock	AR	72211	Voter Identification Documents missing /Voter Statement missing /No Ballot		
		1000	Lesa	Doan		601 Napa Valley DR APT123	Little Rock		72211	Voter Identification Documents missing /Voter Statement missing /No Ballot		
		1000	Smiley	Dobson		1320 Braden St	Jacksonville	AR	72076	No Designated Bearer info on Voter Statement		
		1000	Smiley	Dobson		1320 Braden St	Jacksonville	AR	72076	No Designated Bearer info on Voter Statement		
		1000	BOBBY	DOCKERY		6817 SPRINGTREE LANE	LITTLE ROCK		72209	OTHER REASON/BIRTHDAYS DON'T MATCH		
		1000	Stephen	Dodd		2209 Crestwood Rd	NLR, AR		72116	DOB year ONLY on application Information on application and voter		
		1000	Steve	Doerr		904 W A Ave	NLR	AR				
		1000	Talesha J	Dokes		5328 Nottingham	Evansville IN		47715	designated bearer info missing		
		1000	Miles M	Dortch		5539 SW Quain Run	Topeka, KS		66610	Signitures bad mismatch, address mismatch		
		1000	Billie	Dougherty		1320 Braden ST	Jacksonville	AR	72076	Voter Identification documents missing / No ID		
		1000	Billie	Dougherty		1320 Braden ST	Jacksonville		72076	Voter Identification documents missing / No ID		
		1000	Tracy T	Douglass		1818 N Taylor St, Apt 232	Little Rock, AR		72207	Address mismatch		
		1000	ALMA	DOYLE		4601 MAPLE ST	N. LITTLE ROCK	AR	72118	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
		1000	Joannie	Doyle		6404 Navajo Trl	North Little Rock	AR	72116	No Designated Bearer info on Voter Statement		

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Prec	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Joannie	Doyle		6404 Navajo Trl	North Little Rock	AR	72116	No Designated Bearer info on Voter Statement		
	1000	Megan	Drew		6 Duxford Circle	Bella Vista	AR		voter statement missing		
	1000	Erika	Droke		4901 Rodgers ST	North Little Rock	AR	72117	No Address for DB on Envelope		
	1000	Erika	Droke		4901 Rodgers ST	North Little Rock	AR	72117	No Address for DB on Envelope		
	1000	Grace	Dudderar		3515 Hill RD APT 4	Little Rock	AR	72205	Ballot Only		
	1000	Grace	Dudderar		3515 Hill RD APT 4	Little Rock	AR	72205	Ballot Only		
	1000	Linda A	Duke		1515 Rebel Dr	Jacksonville	AR	72076	wrong birth year on statement		
									Voter Identification Documents missing/Voter Statement Missing/ Ballot in Envelope /No Ballot Envelope		
	1000	Don	Duncan		8706 Highway 365 S	Little Rock	AR	72206			
									Voter Identification Documents missing/Voter Statement Missing/ Ballot in Envelope /No Ballot Envelope		
	1000	Don	Duncan		8706 Highway 365 S	Little Rock	AR	72206			
									Voter ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	BERTHA	DUNCAN		8706 HWY 365 S	LITTLE ROCK	AR	72206			
	1000	Owen R	Durham		27 Glen Ave	Eureka Springs	AR	72632	addresses don't match		
	1000	Dana	Durst		28 Pine Manor Dr	Little Rock, AR	AR	72207	No signature on statement		
									MATERIALS OR INFORMATION MISSING (NO SIGNATURE ON VOTER STATEMENT)		
	1000	MARGARET	DWYER		12111 HINSON RD APT 210A	LITTLE ROCK	AR	72212			
	1000	Eugene G	Eberle, III		2200 Andover Ct, Apt 1104	Little Rock, AR	AR	72227	ID missing & statement missing		
	1000	Mary	Echols		3010 Millbrook Rd	Little Rock	AR	72227	No signature on statement		
	1000	Ramsey	Eddington		15609 Summit View Ln	Maumelle	AR	72113	No Designated Bearer info on Voter Statement		
	1000	Ramsey	Eddington		15609 Summit View Ln	Maumelle	AR	72113	No Designated Bearer info on Voter Statement		
	1000	LINDA	EDWARDS		35 CHEMIN CT	LITTLE ROCK	AR	72223	OTHER REASON/ INCORRECT FAMILY MEMBER FORM		

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	1000	MARK	EDWARDS		35 CHEMIN CT	LITTLE ROCK	AR	72223	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Ida	Edwards		810 Autumnbrook cir	Sherwood	AR		voter ID missing, voter statement missing		
	1000	JEAN	EGGLESTON		200 S HOSPITAL DR APT 3J	JACKSONVILLE		72076	OTHER REASON:NO BIRTHDATE ON APP		
	1000	MARTHA	ELBOTT		2114 WINDSOR CT	LITTLE ROCK	AR	72212	VOTER STATEMENT MISSING		
	1000	Mohammed	Elfarawawi		14111 Westbury Dr	Little Rock	AR	72223	Signatures don't match		
	1000	Robert	Ellis		29 West Point Dr	Maumelle	AR	72113	Materials or Information Missing/ Address don't match		
	1000	Robert	Ellis		29 West Point Dr	Maumelle		72113	Materials or Information Missing/ Address don't match		
	1000	Samantha	Ellsworth		3141 Natarte Ln,	Kailua, HI		96734	Something with address-- appears in order--military stationed in Hawaii		
	1000	FISHER	ELMA		1516 CUMBERLAND ST	LITTLE ROCK		72202	VOTER IDENTIFICATION DOCUMENTS MISSING/ZIP CODE MISSING		
	1000	JORDAN	ELWOOD		P.O. BOX 26595	LITTLE ROCK	AR	72221	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Thelma	English		3900 Bruno Rd	Little Rock	AR	72209	Addresses don't match		
	1000	Monekia	English		8 Inlet st	Little Rock	AR		Returning ballot voted elsewhere		
	1000	Susan	Epperson		1101 W. Kiehl AVE	Sherwood	AR	72120	NO Materials included nothing		
	1000	Susan	Epperson		1101 W. Kiehl AVE	Sherwood		72120	NO Materials included nothing		
	1000	Margaret	Ervin		2501 Lincoln Ave	North Little Rock	AR	72114	No Designated Bearer info on Voter Statement		
	1000	Margaret	Ervin		2501 Lincoln Ave	North Little Rock	AR	72114	No Designated Bearer info on Voter Statement		
	1000	Frances E	Eskridge		311 McAdoo St	Little Rock, AR		72205	DOB doesn't match on application & statement		
	1000	TERRY	ESLUCK		90 KNIGHT DR APT 90	N. LITTLE ROCK	AR	72117	VOTER STATEMENT MISSING		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Marianne L	Estes		4920 Lee Ave	Little Rock, AR	AR	72205	No signature on statement		
	1000	RALPH	EUBANKS		24 WIVERS DR	LITTLE ROCK	AR	72223	VOTER ID DOCUMENTS MISSING; INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Brandon	Evans		37 Mohave St	Sherwood	AR	72120	Id and statement missing, ballot not in envelope		
	1000	Nancy J	Evans		2223 Gunpowder Rd	Little Rock, AR	AR	72227	ID missing & statement missing		
	1000	Mary A	Evans		8516 Labette Dr	Little Rock, AR	AR	72204	Incomplete signature on voter statement		
	1000	LARRY	EVANS		1015 W LEE AVE	SHERWOOD	AR	72120	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	FARHANG HAH			2001 RESERVOIR RD APT 18	LITTLE ROCK	AR	72227	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	LATONYA	FARMER		109 WISTERIA DR	NORTH LITTLE ROCK	AR	72118	VOTER STATEMENT MISSING		
	1000	Barbara	Fazio		23101 Chenal Valley Dr, Apt 312	Little Rock	AR	72223	Apartment # not included		
	1000	Paula	Fender		11701 Mara Lynn Rd Apt 244	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	Paula	Fender		11701 Mara Lynn Rd Apt 244	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	Alice	Ferris		13241 RiverCrest DR	Little Rock	AR	72212	Information on Application and Voter Statement does not match / No Address on Application		
	1000	Alice	Ferris		13241 RiverCrest DR	Little Rock	AR	72212	Information on Application and Voter Statement does not match / No Address on Application		
	1000	SHIRLEY	FIELDS	/1952	10020 NATURAL TR	MAUMELLE	AR	72113	VOTER IDENTIFICATION DOCUMENTS MISSING AND SIGNATURE MISSING		
	1000	Jonathan D	Files		3708 Pope Ave	North Little Rock	AR	72116	app and statement don't match		
	1000	Faye C	Finch		2401 John Ashley Dr	NLR, AR	AR	72114	zip codes mismatch		

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	1000	Lynne	Finister		8508 Dowan dr	Little Rock	AR		voter id docs missing/voter statement missing		
	1000	Hayward E	Finks, Sr		2912 W 13th St	Little Rock, AR		72204	Signature mismatch, looks like DB signed on app for voter		
	1000	Frances M	Finley		2000 Magnolia Ave, Apt 312	Little Rock, AR		72202	ID missing & statement missing		
	1000	Rosemary	Fisher		4520 Western Hills AVE	Little Rock	AR	72204	Information on Application and Voter Statement does not match No Signature Voter Statement Box 6		
	1000	Terri D	Fisher		108 Utah Ave	NLR, AR		72118	No DOB on app, just statement.		
	1000	Garland	Fisher		119 Lucia Ln	Maumelle		72113	no ID		
	1000	Rosemary	Fisher		4520 Western Hills AVE	Little Rock		72204	Information on Application and Voter Statement does not match No Signature Voter Statement Box 6		
	1000	Timothy	Fitzgerald		49 Eastdale Road,	Avondale, Auckland, NZ			Voter Statement missing		
	1000	Paxton	Flesher		41 Edge Hill RD	Little Rock	AR	72207	Information on Application and Voter Statement does not match /Address		
	1000	Paxton	Flesher		41 Edge Hill RD	Little Rock		72207	Information on Application and Voter Statement does not match /Address		
	1000	Curtis	Flournoy, Jr.		3 Cardinal Valley Drive	Sherwood	AR	72120	Voter statement missing		
	1000	Teasa	Fogle		6305 Allwood DR	North Little Rock	AR	72118	Voter Identification documents Missing /NO Materials included nothing		
	1000	Teasa	Fogle		6305 Allwood DR	North Little Rock		72118	Voter Identification documents Missing /NO Materials included nothing		
	1000	Benjamin	Fondren		319 E 12th St	North Little Rock	AR	72114	Id and statement missing		
	1000	Cameron	Fonseca		7203 Northlake DR	Jacksonville	AR	72076	Voter Identification Documents missing /Voter Statement missing		

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Prec Voted ID	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
1000	Cameron	Fonseca		7203 Northlake DR	Jacksonville		72076	Voter Identification Documents missing /Voter Statement missing		
1000	ARLEAN	FORD		6056 SILVER OAK DR	SHERWOOD		72120	VOTER STATEMENT MISSING		
1000	AMY	FORD		1408 STAGECOACH VLG	LITTLE ROCK		72210	OTHER REASON/ NO SIGNATURE		
1000	ELIZABETH	FORTNER		2501 JOHN ASHLEY DR	NORTH LITTLE ROCK		72114	NO ADDRESS OF DESIGNATED BEARER		
1000	Lisa	Foster		5414 Stonewall rd	Little rock	AR		Information on Application and Voter Statement does not match		
1000	VELMA	FOWLER		682 DONOVAN BRILEY BLVD APT 42	NORTH LITTLE ROCK		72118	MATERIALS OR INFORMATION MISSING		
1000	Craig M	Fraiser		1421 N University, #S306	Little Rock		72207	DOB doesn't match		
1000	Joan	Franks		4 Wedge CV	Sherwood	AR	72120	No DOB -AR Application for Absentee Ballot		
1000	Joan	Franks		4 Wedge CV	Sherwood		72120	No DOB -AR Application for Absentee Ballot		
1000	Toni R	Fraser		1912 Green Mtn, #310	Little Rock		72212	info on app missing		
1000	Bufus L	Freeman		2602 Elkhart Dr	Little Rock, AR		72204	Zip code missing, no sig on statement, NO BALLOT		
1000	Sterling	Freeman		800 Brookside Dr	Little Rock		72205	Michael Madden voted this ballot???		
1000	Kimberly V	Freeman		PO Box 10	Altheimer		72004	addresses don't match		
1000	Caitilin	French		20 Pine Tree Loop	North Little Rock	AR	722116	Voter Identification Documents missing/Information on Application and Voter Statement does not match		
1000	Diana	French		1008 Abercorn Pl	Sherwood	AR	72120	No id		
1000	Caitilin	French		20 Pine Tree Loop	North Little Rock		722116	Voter Identification Documents missing/Information on Application and Voter Statement does not match		
1000	Nancy L	Frevert		9904 Satterfield Dr	Little Rock, AR		72205	No DOB on application		
1000	Drew E	Frizzell		27 Hightrail Dr	Maumelle		72113	birth year wrong on statement		

EC Initials

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
					2501 Aldersgate Rd, RM 202	Little Rock, AR		72205	No ID, incomplete statement		
	1000	Sue M	Frueauff			Little Rock, AR	AR	72207	Empty Envelope/ No Ballot		
	1000	Jamie	Fugitt		5111 Crestwood DR	Little Rock		72207	Empty Envelope/ No Ballot		
	1000	Jamie	Fugitt		5111 Crestwood DR	Little Rock		72207	DOB on app & statement doesn't match		
	1000	Melba L	Fuller		509 Nevada Dr	NLR, AR		72118	DATE OF BIRTH MISSING FROM APPLICATION		
	1000	DANNY	FULLER		8805 FAIRHAVEN RD	LITTLE ROCK	AR	72205	no ID, statement missing		
	1000	Kirby Ruth	Fullerton		RSA House, 8 John Adams St	London UK			VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	RAY	FUREIGH		15 REYNARD CT	LITTLE ROCK	AR	72227	No Signature on Statement		
	1000	Charlotte	Gadberry		16 Masters CIR	Little Rock	AR	72212	No Signature on Statement		
	1000	Charlotte	Gadberry		16 Masters CIR	Little Rock		72212	info on app and statement don't match		
	1000	Louisa E	Galloway		6409 Shady Brook Dr	Little Rock		72204	No signature on statement		
	1000	Geraldine L	Ganong		2901 Aldersgate Rd, Apt 240	Little Rock, AR		72205	VOTER STATEMENT MISSING		
	1000	JOHN	GARDNER		9 FOREST BROOK CT	LITTLE ROCK		72211	ID name doesn't match app or statement. Statement DOB doesn't match application.		
	1000	Holley R	Garrison		6 Wellington Ct	Little Rock, AR		72227	no ID		
	1000	Joan	Garliss		Unit 13, 453 Bowen Tce	New Farm QLD 4005 Australia		72205	ID missing		
	1000	Sheila L	Garmon		227 Markwood Rd	Little Rock, AR		72120	DOB doesn't match		
	1000	Erica A	Garner		610 Pembroke	Sherwood			VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	VELMA	GARRETT		14114 SHADY LANE	NORTH LITTLE ROCK		72118	no ID, ballot missing		
	1000	Margarite	Garrison		400 W 4th, #111	North Little Rock		72114	No Bearer Information		
	1000	Betty	Gatewood-Summerville		1900 Marshall ST	Little Rock	AR	72202			

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	1000	Betty	Gatewood-Summerville		1900 Marshall ST	Little Rock	AR	72202	No Bearer Information		
	1000	Jeanette	Gay		517 Silverwood Trail	NLR	AR	72113	Information on application and voter statement does not match addresses don't match		
	1000	Deterrio R	Gentry		11031 Frenchmen Lp	Maumelle		10026	Application information does not match address		
	1000	Renee	Gibbs		279 W 117th Unit 2R	New York, NY			addresses on voter statement and application does not match		
	1000	Stanley	Giles		10000 West Markham apt 27	Little Rock	AR	72223	DOB doesn't match		
	1000	Kenneth E	Gill		66 Duclair Ct	Little Rock	AR	72114	voter ID docs missing/voter statement missing / materials missing		
	1000	Louie	Gillespie		5222 Woodlawn dr	Little Rock	AR	72114	No voter statement		
	1000	Dorothy J	Gilliam		908 N C St	NLR, AR		72216	Problem with signature		
	1000	Morris	Gilmore		1300 Starfield Rd	North Little Rock	AR	72114	ID and Statement Missing		
	1000	Rodney	Ginger		2600 W Pershing Blvd Apt 13	North Little Rock	AR	72204	Signature mismatch		
	1000	Brian E	Gittens		4 Lorian Cir	Little Rock, AR	AR	72204	Voter Statement Missing		
	1000	Dorothy	Givens		1801 Brown ST	Little Rock	AR	72204	Voter Statement Missing		
	1000	Dorothy	Givens		1801 Brown ST	Little Rock	AR	72204	Voter Statement Missing		
	1000	LAVERNE	GOLDSBY		2121 MCALMONT	LITTLE ROCK		72206	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Wanda	Goodman		404 Stonewall Dr	Jacksonville	AR	72076	Birth date incorrect on red sheet		
	1000	CAROLYN	GOODRUM		7911 MABELVALE PIKE	LITTLE ROCK	AR	72209	VOTER STATEMENT MISSING		
	1000	Janice H	Goodwin		3500 Cedar Hill Rd, Apt 3N	Little Rock, AR		72202	Missing voter signature on statement		
	1000	Cassandra	Goodwin		1018 Apperson St	Little Rock	AR	72202	No Designated Bearer info on Voter Statement		
	1000	Cassandra	Goodwin		1018 Apperson St	Little Rock	AR	72202	No Designated Bearer info on Voter Statement		
	1000	Diana	Gordon		9 Brookridge Cv	Little Rock	AR	72205	Voter statement missing		
	1000	Willie M	Gordon		7920 Callegan Rd	Little Rock	AR	72210	no ID		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Lauren	Gordon	[REDACTED]	6 Evesham Ln	Bella Vista	AR		Information on application and voter statement do not match. - address		
	1000	Herbert	Goss	[REDACTED]	6709 Lantana Rd	Little Rock	AR	72209	No DB info on voter statement		
	1000	Vivian D	Gould	[REDACTED]	200 Taylor Park Dr.	Little Rock, AR	AR	72211	DOB missing on application		
	1000	Steven	Graham	[REDACTED]	1531 Garland Ave	North Little Rock	AR	72116	ID and Statement Missing		
	1000	Bernice	Graham	[REDACTED]	9515 Dartmouth Dr	Little Rock	AR	72204	Voter statement not filled out		
	1000	John	Graham	[REDACTED]	9515 Dartmouth Dr	Little Rock	AR	72204	Voter statement not filled out		
	1000	Gwendolyn	Graham	[REDACTED]	16611 Burlingame Road	Little Rock	AR	72223	Addresses do not match. Does have optional signatures.		
	1000	Gregory	Graham	[REDACTED]	13800 Windsor Rd	Little Rock	AR	72212	9-day differs on statement/application		
	1000	Diane	Graham	[REDACTED]	13800 Windsor rd	Little Rock	AR		Information on application and voter statement do not match.		
	1000	Ella Mae	Gray	[REDACTED]	800 Napa Valley Dr. #142	Little Rock, AR		72211	Address doesn't match		
	1000	Darrell M	Gray	[REDACTED]	98 Lucia Ln	Maumelle, AR		72113	DOB doesn't match on application & statement		
	1000	Timothy	Gray SR	[REDACTED]	510 Brookside DR APT 317A	Little Rock	AR	72205	Voter Identification Documents missing /Questionable ID/No Signature on Voter Statement		
	1000	Timothy	Gray SR	[REDACTED]	510 Brookside DR APT 317A	Little Rock		72205	Voter Identification Documents missing /Questionable ID/No Signature on Voter Statement		
	1000	Christopher D	Green	[REDACTED]	9983 Dain St. SE	Yelm, WA		98597	Address mismatches		
	1000	Linda M	Green	[REDACTED]	POB 8	Soroti Uganda			no ballot		

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EC Initials

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	1000	CLARENCE	GREEN		1832 CUB TRAIL	SHERWOOD		72120	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	PETER	GREEN		10434 W 36TH ST APT 11B	LITTLE ROCK		72204	VOTE STATEMENT MISSING		
	1000	FLORA	GREEN		114 WALNUT ST	N. LITTLE ROCK	AR	72114	VOTER ID DOCUMENTS MISSING		
	1000	BEN	GREENBAU M		26500 KANIS RD	LITTLE ROCK		72223	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH/SIGNATURE MISSING ON VOTER STATEMENT		
	1000	Stewart B	Greenberg		300 E 3rd St, Apt 1108	Little Rock, AR		72201	DOB on app & statement doesn't match		
	1000	Daniel	Greenberg		5900 Scenic Dr	Little Rock		72207	no ballot		
	1000	Marvin R	Greene		27 Quail Run Cir, Apt 1	Little Rock, AR		72210	Missing info on statement		
	1000	Betty B	Greene		27 Quail Run Cr, #1	Little Rock		72210	No ID, incomplete voter statement		
	1000	Freddie	Greene		16401 Chenal Valley dr apt 8106	Little Rock	AR		no signature on voter statement		
	1000	Patricia M	Greenlee		4 McKeel Cir	NLR, AR		72116	No zip on application		
	1000	Kristen	Gregory		7 Bogey LN APT11	Little Rock	AR	72210	Voter Identification Documents missing/Voter Signature missing		
	1000	Kristen	Gregory		7 Bogey LN APT11	Little Rock		72210	Voter Identification Documents missing/Voter Signature missing		
	1000	BRENDA	GREGORY		27 LEISUREWOOD LN	MAUMELLE		72113	VOTER STATEMENT MISSING		
	1000	RICHARD	GREGORY		27 LEISUREWOOD LN	MAUMELLE		72113	VOTER STATEMENT MISSING		
	1000	Judith	Gregory		14300 Chenal pkwy	Little Rock	AR		voter statement missing		
	1000	Janet L	Griebel		P. O. Box 94199	NLR, AR		72190	Zip code mismatch		
	1000	Jack A	Griebel		3 Shepard Cv, #120	Little Rock		72205	no ID, statement missing		
	1000	Beverly	Griffin		16 Painted Turtle CV	Little Rock	AR	72211	Voter Identification Documents missing/Voter Statement missing		
	1000	Beverly J	Griffin		16 Painted Turtle Cv	Little Rock, AR		72211	No ballot included		
	1000	Ruby J	Griffin		5920 Forest View Rd	Little Rock		72204	no ID, statement missing		

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	1000	Beverly	Griffin	[REDACTED]	16 Painted Turtle CV	Little Rock	AR	72211	Voter Identification Documents missing /Voter Statement missing		
	1000	HAVEN	GRIFFIN	[REDACTED]	4 NORTHBROOK CIR	LITTLE ROCK	AR	72205	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH (ZIP CODE)		
	1000	Betty L	Griffis	[REDACTED]	3510 S Bowman Rd	Little Rock	AR	72211	DOB on app & statement doesn't match		
	1000	Juanita	Grimmett	[REDACTED]	6411 Valley Ranch Dr	Little Rock	AR	72223	Voter ID documents missing		
	1000	Lula	Guenther	[REDACTED]	7505 W Ridge Rd	Roland	AR	72223	Voter statement missing Materials or info missing No DB info		
	1000	Aaron	Guest Jr	[REDACTED]	14219 County Farm Rd	Little Rock	AR	72223	other - DOB missing		
	1000	Bobby	Gwin	[REDACTED]	29511Hwy 107	Cabot	AR	72023	Voter statement missing		
	1000	Virginia	Hall	[REDACTED]	8 Rocky Valley Cv	Little Rock	AR	72212	Voter id missing statement missing--all info is in the ballot		
	1000	Mark D	Hall	[REDACTED]	3900 Glenmere Rd	NLR, AR	AR	72116	Address on app & statement doesn't match		
	1000	Gregory G	Hall	[REDACTED]	3908 Katherine	Little Rock	AR	72204	designated bearer info doesn't match		
	1000	Brandon	Hall	[REDACTED]	2302 E. Main st	Clarksville	AR		voter identification docs missing		
	1000	Virginia	Hall	[REDACTED]	6707 H St	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	Virginia	Hall	[REDACTED]	6707 H St	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	Shanti R	Halter	[REDACTED]	44 Isbell Ln	Little Rock, AR	AR	72223	Material/info missing		
	1000	Tironica	Hamilton	[REDACTED]	P O Box 2303	NLR	AR		voter id docs missing		
	1000	Carol R	Hampton	[REDACTED]	8905 Pea Ridge Cir	Mabelvale, AR	AR	72103	Voter statement incomplete		
	1000	HENRY	HANDLEY	[REDACTED]	1214 VALENTINE RD	NORTH LITTLE ROCK	AR	72117	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	JARED	HANEY	[REDACTED]	4922 RIXIE RD	NORTH LITTLE ROCK	AR	72117	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	JEFFREY	HANNAH	[REDACTED]	2401 LAKEVIEW RD APT V6	N. LITTLE ROCK	AR	72116	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Gaytha J	Hansard		1 Chenal Heights, #112	Little Rock	AR	72223	no ID, info on app and statement don't match	In H31	
	1000	ANTWAN	HARDEN		5 NANDINA CIR APT 3	LITTLE ROCK	AR	72210	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	TONYA	HARDEN		5 NANDINA CIR APT 3	LITTLE ROCK	AR	72210	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Teresa J	Hardin		4806 Gum St	North Little Rock	AR	72118	no ID, statement missing		
	1000	Norma	Harding		15710 Taylor Loop Rd	Little Rock	AR	72223	No designated bearer info on voter info sheet		
	1000	Otis	Harding, Jr		5622 Stagecoach	Little Rock	AR	72204	2 statements included		
	1000	Tammy K	Hardison		5813 Lowrance	North Little Rock	AR	72118	DOB on statement incomplete		
	1000	Beverly T	Hargraves		3910 Doral	Little Rock	AR	72212	statement missing		
	1000	Arleathia E D	Hargroves		100 Commercial Park Ct, #119	Maumelle	AR	72113	no signature on statement		
	1000	Mason	Harmon		1722 N College Ave suite c# 264	Fayetteville	AR		voter identification docs missing		
	1000	CONSTANCE	HARNEY		23 DEER CREEK DR	JACKSONVILLE	AR	72076	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Joshua D	Harper		132 Valley Ranch Way	Little Rock	AR	72223	statement missing		
	1000	Frederick	Harrelson		5323 Southwood Dr	Little Rock	AR	72205	No signature on statement		
	1000	Kyria	Harris		1925 S. Grant ST	Little Rock	AR	72204	No Bearer Information/ No Voter Signature		
	1000	Nina	Harris		8209 Westwood AVE	Little Rock	AR	72204	Ballot Missing		
	1000	Nina	Harris		8209 Westwood Av	Little Rock	AR	72204	Id and statement missing, no application, or ballot		
	1000	Betty	Harris		1201 Stamps St	Jacksonville	AR	72076	Id and statement missing, materials missing		
	1000	Kaylyn	Harris		1121 W 34th St	Little Rock	AR	72206	Address of DB on statement is missing		
	1000	Samuel E	Harris		103 Crystalwood Ct	Little Rock, AR	AR	72210	No voter statement		
	1000	Kyria	Harris		1925 S. Grant ST	Little Rock	AR	72204	No Bearer Information/ No Voter Signature		
	1000	Nina	Harris		8209 Westwood AVE	Little Rock	AR	72204	Ballot Missing		

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	1000	ROBERT	HARRIS		103 ALEXANDRIA DR	MAUMELLE	AR	72113	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	GILBERT	HARRIS		P.O. BOX 72	WRIGHSVILLE	AR	72183	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Gregory S	Harrod		P. O. Box 140	Roland, AR	AR	72135	Wrong app attached		
	1000	Motchen K	Harrod		PO Box 140	Roland	AR	72135	statement not complete		
	1000	George A	Hasty		9 Knights Bridge Rd	Sherwood, AR	AR	72120	No application attached		
	1000	Boyce	Hawk		20 Fox Hunt Trail	Little Rock	AR	72227	Voter Statement Missing/No designated waiver info on voter info sheet		
	1000	Boyce	Hawk		20 Fox Hunt Trail	Little Rock	AR	72227	Voter Statement Missing/No designated waiver info on voter info sheet		
	1000	Mary K	Hawks		17 Cherry Laurel Ct	Little Rock	AR	72211	birth year missing		
	1000	Shirley	Hayes		13 Brook CT	Maumelle	AR	72113	DOB not on Application for Absentee Ballot		
	1000	Shirley	Hayes		13 Brook CT	Maumelle	AR	72113	DOB not on Application for Absentee Ballot		
	1000	Viola M	Haynes		12111 Hinson Rd, RM 114	Little Rock, AR	AR	72212	ID missing & statement missing		
	1000	Linda J	Haynes		10 Domicilio Cv	Little Rock, AR	AR	72206	DOB doesn't match on application & statement		
	1000	Deborah J	Healy		2613 E Coffelt, #165	Jacksonville	AR	72076	info on app and statement don't match		
	1000	Rebekah L	Hearne		22 Nob Hill Cv	Little Rock, AR	AR	72205	DOB on app & statement doesn't match		
	1000	GORDON	HEIGES		173 DEAUVILLE DR	MAUMELLE	AR	72113	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Sylvia	Heinley		701 briar ridge ct	Jacksonville	AR		Information on application and voter statement does not match		
	1000	Anwer	Hemani		8 Mossy Rock Cv	Little Rock	AR	72211	Id and statement missing		
	1000	Florine	Hemphill		3 Donaghey Ct	North Little Rock	AR	72216	NO DOB, address on statment		

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	1000	Donald	Henderson		23101 Chenal Valley DR #304	Little Rock	AR	72223	Voter Identification Documents missing/No Designated Bearer Address		
	1000	Donald	Henderson		23101 Chenal Valley DR #304	Little Rock		72223	Voter Identification Documents missing/No Designated Bearer Address		
	1000	Nila J	Hendricks		2200 Andover Ct, Apt 103	Little Rock, AR		72227	ID missing & ballot missing		
	1000	Lillian	Henriquez		3101 Echo Valley dr	Little Rock	Ar		signature doesn't match		
	1000	MARK	HENRY		600 YUNJIN RD	SHANGHAI			NO APP ON FILE		
	1000	Thomas	Hensley		801 Country Club RD	Sherwood	AR	72120	Voter Identification Documents missing/Information on Application and Voter Statement does not match/ID from Different Person		
	1000	Thomas	Hensley		801 Country Club RD	Sherwood		72120	Voter Identification Documents missing/Information on Application and Voter Statement does not match/ID from Different Person		
	1000	Amy	Henson		14 Tomahawk Cove	Maumelle	AR	72113	Voter Statement Missing		
	1000	Winfred W	Henson		913 E. Moore Ave	Searcy, AR		72143	Address on app & statement doesn't match		
	1000	Brennan B	Henson		10540 Melvin Ave	Porter Ranch, CA		91326	No voter statement		
	1000	Amy	Henson		14 Tomahawk Cove	Maumelle		72113	Voter Statement Missing		
	1000	Patricia	Hepp		51 Crystal Mountain LN	Maumelle	AR	72113	Voter Identification Documents missing/ Information on Application and Voter Statement does not match/Address		
	1000	Patricia	Hepp		51 Crystal Mountain LN	Maumelle		72113	Voter Identification Documents missing/ Information on Application and Voter Statement does not match/Address		

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	1000	Julian	Hernandez	[REDACTED]	12601 Hunters Hill Rd	Little Rock	AR		information on application and voter statement does not match		
	1000	Fred	Hickling	[REDACTED]	1715 Hillsborough Ln	Little Rock	AR	72212	No signature on voter statement		
	1000	Olta Jo	Hicks	[REDACTED]	3 Shepard Cv, Apt 319	Little Rock, AR		72205	No signature on statement		
	1000	Evelyn J	Hicks	[REDACTED]	94 Creekwood Dr	Jacksonville		72076	no ballot		
	1000	JOEL	HICKS	[REDACTED]	3 SHEPHERDS CV APT 319	LITTLE ROCK	AR	72205	MATERIALS OR INFORMATION MISSING (NO SIGNATURE ON VOTER STATEMENT)		
	1000	HAZEL	HIGGINS	[REDACTED]	1 PARKSTONE CIR APT 317	N. LITTLE ROCK	AR	72116	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Deanna I	High	[REDACTED]	221 Plus Park Blvd, #45	Nashville TN		37217	no ID		
	1000	Durham	Hill	[REDACTED]	2804 Sallisaw AVE	North Little Rock	AR	72116	Information on Application and Voter Statement does not match /Address		
	1000	Alma	Hill	[REDACTED]	1200 Parker St	North Little Rock	AR	72114	Address of DB is missing		
	1000	Durham	Hill	[REDACTED]	2804 Sallisaw AVE	North Little Rock		72116	Information on Application and Voter Statement does not match /Address		
	1000	JANIE	HILL	[REDACTED]	7306 DEBBIE DR	LITTLE ROCK		72209	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	DIANE	HILL	[REDACTED]	6 TIMBER VALLEY CV	LITTLE ROCK	AR	72204	VOTER ID DOCUMENTS MISSING; MATERIALS OR INFORMATION MISSING		
	1000	Ryan	Hix	[REDACTED]	111 Sierra Valley LP	Maumelle	AR		Information on application and voter statement do not match.		
	1000	Shuk-Mei	Ho	[REDACTED]	2200 Riverfront Dr Apt 4103	Little Rock	AR	72202	No Designated Bearer info on Voter Statement		
	1000	Shuk-Mei	Ho	[REDACTED]	2200 Riverfront Dr Apt 4103	Little Rock	AR	72202	No Designated Bearer info on Voter Statement		

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	1000	Michelle	Hoggatt		4 Northhaven Pl	Sherwood		72120	Info on application and voter statement does not match -DOB No date of birth on application - found on voter statement		
	1000	STUART	HOLCOMB		2824 N PIERCE	LITTLE ROCK		72207	INFORMATION ON APPS AND VOTER STATEMENT DOES NOT MATCH		
	1000	Scott A	Holden		6424 Knights of	North Little Rock		72118	statement is blank		
	1000	Erin	Hollaway		700 Asbury Rd	Little Rock	AR	72211	Id and statement missing		
	1000	Nicole	Holman		1711 McCain Blvd	North Little Rock	AR	72116	ID documents missing		
	1000	BERTHA	HOLMES		510 BROOKSIDE DR APT A5	LITTLE ROCK	AR	72205	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Taylor	Hoobler		201 Gillespie Drive Apartment 17307	Franklin		37067	Voter statement missing		
	1000	Marla	Hood		6513 Sherry Dr	Little Rock		72204	Birthdate does not match application to voter statement		
	1000	PEYTON	HOOKS		462 PASADENA AVE	WEBSTER GROVES	MO	63119	SIGNATURE DOES NOT MATCH		
	1000	Barbara L	Hope		2201 West Rd	Little Rock		72207	statement not signed		
	1000	Wilma J	Hoskins		109 Seneca Pl	Jacksonville		72076	no ID		
	1000	Byron	House		19876 Blue Springs Rd	Springdale		72764	Addresses don't match voter id documents		
	1000	Mathas	House		3 Chenal Heights dr	Little Rock	AR		missing/questionable		
	1000	John	Houser		818 Saint Michael Pl	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	John	Houser		818 Saint Michael Pl	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	Laura	Howard		923 Jefferson ST	Little Rock	AR	72204	Information on Application and Voter Statement does not match		
	1000	Shirley	Howard		2508 W Pershing BLVD, Apt B	NLR, AR		72114	Out of state license		

EC Initials

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Laura	Howard		923 Jefferson ST	Little Rock	AR	72204	Information on Application and Voter Statement does not match		
	1000	Coburn	Howell Sr		48 Pebble Beach Dr	Little Rock	AR	72212	Id and statement missing		
	1000	Marion J	Howse		21 Mossy Rock Cv	Little Rock		72211	statement incomplete		
									VOTER IDENTIFICATION DOCUMENTS MISSING/INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	BILLY	HUDGENS		1 CASCADES DR	LITTLE ROCK		72212	No Voter DOB on Application		
	1000	Trinity	Hudson		1506 S. State	Little Rock	AR	72202	No Voter DOB on Application		
	1000	Trinity	Hudson		1506 S. State	Little Rock		72202	No Voter DOB on Application		
					2200 S HOSPITAL BLVD APT 2E	JACKSONVILLE		72076	VOTER IDENTIFICATION DOCUMENTS MISSING		
									info on app and statement don't match		
	1000	Brittany H	Huffman		2124 Bradford Park Cr	Fort Worth TX		76107	match		
	1000	Barbara	Huggins		PO Box 205	Wrightville	AR	72183	info on application and voter statement does not match		
	1000	Tiffany	Hughes		PO Box 13084	Maumelle		72113	PO box address no match		
	1000	Michael E	Hughes		39 Oakbrooke Dr	Sherwood, AR		72120	ID missing & statement missing		
									INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	MARY D	HUGHES		39 OAKBROOKE DR	SHERWOOD	AR	72120			
									Voters Address dosen't match in Statement and Application		
	1000	Brenden	Huie		12206 Cherry Laurel DR	Little Rock	AR	72211			
									Voters Address dosen't match in Statement and Application		
	1000	Brenden	Huie		12206 Cherry Laurel DR	Little Rock		72211	Info on application and voter statement does not match		
	1000	Brian	Humphreys		17336 W Monroe St	Goodyear		85338			
	1000	Mae B	Hurst		10434 W 36th #33C	Little Rock		72204	absentee cancellation, no ballot		
									VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	MORGAN	ISON		187 S STADIUM DR PMB0342	FAYETTEVILLE	AR	72701			

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Joseph	Jackson		49 Perin RD	North Little Rock	AR	72118	Voter Identification Documents missing /DOB doesn't Match		
	1000	Ratrice	Jackson		314 Parliament ST	Little Rock	AR	72211	No Birthdate on Application		
	1000	Jameka	Jackson		10720 Burkhalter Hans DR APT 12	North Little Rock	AR	72213	Address Does not match		
	1000	Jane	Jackson		11011 Marks Mill CT	Mabelvale	AR	72103	Voter Identification documents missing		
	1000	Cynthia D	Jackson		300 S Rodney Parham, #1-217	Little Rock		72205	statement missing		
	1000	Karen E	Jackson		9 Braeswood Pl	Maunelle		72113	DOB doesn't match		
	1000	Joseph	Jackson		49 Perin RD	North Little Rock		72118	Voter Identification Documents missing /DOB doesn't Match		
	1000	Ratrice	Jackson		314 Parliament ST	Little Rock		72211	No Birthdate on Application		
	1000	Jameka	Jackson		10720 Burkhalter Hans DR APT 12	North Little Rock		72213	Address Does not match		
	1000	Jane	Jackson		11011 Marks Mill CT	Mabelvale		72103	Voter Identification documents missing		
	1000	TRACEE	JACKSON		5622 STAGECOACH RD	LITTLE ROCK		72204	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Janett	Jackson		2500 Gaines st apt 103-B	Little Rock	AR		voter id docs missing		
	1000	Gertrude	Jacobs		524 Green Oak Dr	North Little Rock		72118	DOB doesn't match		
	1000	Nance	Jacuzzi		7 Latour lane	Little Rock	AR		voter ID missing, voter statement missing		
	1000	Betty	James		311 E 8th St, Apt 810	Little Rock, AR		72202	Wrong apt #		
	1000	RAY	JAMES		3416 BOWMAN RD	LITTLE ROCK	AR	72211	NO SIGNATURE ON VOTER STATEMENT		
	1000	Daisy	James		19 Sheraton Dr	Little Rock	AR	72209	No Designated Bearer info on Voter Statement		
	1000	Raphael	James		PO Box 934	Mayflower	AR	72106	No Designated Bearer info on Voter Statement		
	1000	Daisy	James		19 Sheraton Dr	Little Rock	AR	72209	No Designated Bearer info on Voter Statement		
	1000	Raphael	James		PO Box 934	Mayflower	AR	72106	No Designated Bearer info on Voter Statement		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
									VOTER IDENTIFICATION		
	1000	JULIA	JANSEN		8 BROADVIEW DR	LITTLE ROCK	AR	72207	DOCUMENTS MISSING/SIGNATURE DO NOT MATCH		
	1000	Catherine	Jarrett		224 E. 7th ST APT 607	Little Rock	AR	72202	Bearer Information missing		
	1000	Catherine	Jarrett		224 E. 7th ST APT 607	Little Rock	AR	72202	Bearer Information missing		
	1000	Ora	Jefferson		5720 N Cedar St	North Little Rock	AR	72116	Signatures don't match		
	1000	LINDA	JEFFERSON		9501 JOURNEY DR	SHERWOOD	AR	72120	DATE OF BIRTH DOES NOT AGREE		
	1000	Alice	Jefferson		8801 Longacre Dr	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	Alice	Jefferson		8801 Longacre Dr	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	Howard	Jeffery		415 Gamble Road	Little Rock	AR		no signature on voter statement		
	1000	Judith	Jenders		4203 E Cedar Ln	North Little Rock	AR	72118	Voter ID documents missing		
	1000	Suzanne	Jendreas		103 Alexandria Dr	Maumelle	AR	72213	Voter statement missing		
	1000	Lynn	Jenkins		PO Box 25440	Little Rock	AR	72221	no ID, statement missing		
	1000	Sandra S	Jenkins		PO Box 25440	Little Rock	AR	72221	no ID, statement missing		
	1000	Patricia A	Jenkins		2516 W Pershing #D	North Little Rock	AR	72114	DOB doesn't match		
					2516 W PERSHING BLVD APT D	N. LITTLE ROCK	AR	72114	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Janet K	Jennings		609 N Cedar	Little Rock	AR	72205	addresses don't match		
	1000	Celeste L	Jennings		10 Lexington Ave, #41	Brooklyn NY		11201	statement missing		
	1000	LINDA	JENNINGS		6508 WINDHILL DR	NORTH LITTLE ROCK	AR	72118	REASON: NO DATE OF BIRTH		
	1000	James Q	Jernigan		2508 Seminole Trail	North Little Rock	AR	72116	signatures don't match		
	1000	Michael F	Johninson, Sr		6316 Shady Brook Dr	Little Rock, AR	AR	72204	DOB doesn't match on application & statement		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	MCHARGUE	JOHNNIE		9316 SEASONS CV	SHERWOOD	AR	72120	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Brenda	Johnson		8913 Pea Ridge CIR	Mabelvale	AR	72103	Information on Application and Voter Statement does not match		
	1000	James	Johnson		5121 Greenway Dr	North Little Rock	AR	72116	Conflicting info on application and statement		
	1000	Ola	Johnson		19 Collins Rd	Jacksonville		72076	Birthdate on app is date absent		
	1000	Angel B	Johnson		1412 Westhampton Dr	Little Rock, AR		72211	Signature mismatch		
	1000	Stephanie C	Johnson		1018 N Shackelford	Little Rock		72211	zip codes don't match		
	1000	Tammy R	Johnson		770 N Chicot Rd, B203	Little Rock		72209	name not on application		
	1000	Brenda	Johnson		8913 Pea Ridge CIR	Mabelvale		72103	Information on Application and Voter Statement does not match		
	1000	DIANNE	JOHNSON		1200 COMMERCE CT	LITTLE ROCK		72202	BIRTHDATES DON'T MATCH		
	1000	ANGELA	JOHNSON		2408 ELLA CT	NORTH LITTLE ROCK		72118	VOTER STATEMENT MISSING		
	1000	Linda	Johnson		5800 Hummingbirdln	Jacksonville	AR		voter id docs missing		
	1000	Freddie	Johnson		111318 Luther Ln	Little Rock	AR	72206	No Designated Bearer info on Voter Statement		
	1000	Freddie	Johnson		111318 Luther Ln	Little Rock	AR	72206	No Designated Bearer info on Voter Statement		
	1000	Janet R	Johnson-Henderson		1309 Fair Park	Little Rock		72204	voter statements missing		
	1000	Anna M	Joiner-Tatum		14 Essay Dr	Little Rock		72206	no ID, addresses don't match		
	1000	Breanna	Jones		28 Warwick RD	Little Rock	AR	72205	Voter Identification Documents missing		
	1000	Sharron	Jones		5 Carilton DR	Little Rock	AR	72214 72204	Voter Identification Documents missing/ Information on Application and Voter Statement does not match /Zip Codes		
	1000	Doris	Jones		4828 Ridge Road, Apt C	North Little Rock	AR	72116	No ballot envelope		
	1000	Marilou	Jones		7 Algonkin Pl	Sherwood	AR	72120	ID missing		

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Prec	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
					5061 Highcliff Dr, Apt 23	North Little Rock	AR	72116	Voter ID documents missing		
	1000	Portia	Jones			Rock	AR	72116	Voter ID documents missing		
	1000	Rebecca S	Jones		829 Trammel Rd	NLR, AR		72117	zip code mismatch		
	1000	Robert W	Jones		1200 S Schiller St	Little Rock, AR		72202	Zip code mismatch		
	1000	Georgia G	Jones		5812 Petit Jean River Rd	NLR, AR		72116	DOB doesn't match on application & statement		
	1000	Breanna	Jones		28 Warwick RD	Little Rock		72205	Voter Identification Documents missing		
	1000	Sharron	Jones		5 Carilton DR	Little Rock		72204	Voter Identification Documents missing/ Information on Application and Voter Statement does not match /Zip Codes		
	1000	DOCIA	JONES		1222 EAGLE POINTE RD	LITTLE ROCK		72214	VOTER IDENTIFICATION DOCUMENTS MISSING/ZIP CODES DON'T MATCH/ DOES HAVE OPTIONAL SIGNATURE		
	1000	CHRISTINA	JONES		1718 CHARLOTTE CT	LITTLE ROCK		72204	REASON: SIGNATURES DON'T MATCH		
	1000	Toni	Jones		11108 Denton Rd	Sherwood	AR	72120	No Designated Bearer info on Voter Statement		
	1000	Toni	Jones		11108 Denton Rd	Sherwood	AR	72120	No Designated Bearer info on Voter Statement		
	1000	Barbara	Jordan		2803 S.Ringo ST	Little Rock	AR	72206	Information on Application and Voter Statement Do not match/ DOB		
	1000	Robin N	Jordan		5222 W 13th St	Little Rock, AR		72204	No ID, voter statement incomplete		
	1000	Liam B N	Jordan		5222 W 13th St	Little Rock, AR		72204	No ID, voter statement incomplete		
	1000	Barbara A	Jordan		4704 Grand Ave	Little Rock		72204	designated bearer info missing		
	1000	Barbara	Jordan		2803 S.Ringo ST	Little Rock		72206	Information on Application and Voter Statement Do not match/ DOB		
	1000	Suzanne	Joy		43 Lakeside DR	Little Rock	AR	72204	Voter Identification documents missing		
	1000	Suzanne	Joy		43 Lakeside DR	Little Rock		72204	Voter Identification documents missing		
	1000	Marty L	Justice		11 Brandywine Ln	Little Rock		72227	DOB missing on application		
	1000	REBECCA	KAHLE		2 CUSTER PL	SHERWOOD	AR	72120	OTHER		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Beth A	Kahn		8 Painted Turtle Cv	Little Rock	AR	72211	statement blank		
	1000	MELISSA	KALSON		9114 WOODFORD DR	LITTLE ROCK	AR	72209	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Angela	Kaplan		134 Beaver Creek Ln	Maumelle	AR	72113	No DB info on voter statement		
	1000	WILLIE	KARBER		12211 MACARTHUR DR	NORTH LITTLE ROCK		72118	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Laverne	Kasper		201 Teague Ln Apt 802	Sherwood	AR	72120	No DOB		
	1000	Scott	Kaufman		3rd Battalion, 5th Marines Box 555483	Camp Pendleton, CA		92055	Different Name and birthday on voter sheet vs application		
	1000	Naima	Kazi		2010 Brookford Dr	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	Naima	Kazi		2010 Brookford Dr	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	Gloria	Kearney		3 Ben Crenshaw CV	Little Rock	AR	72210	Voter Statement missing		
	1000	Gloria	Kearney		3 Ben Crenshaw CV	Little Rock	AR	72210	Voter Statement missing		
	1000	ALOYSIUS	KEATON		9414 LABETTE DR	LITTLE ROCK		72205	REASON: BIRTHDATE		
	1000	Terry	Keef		2101 County Line rd	Little Rock	AR		dob wrong		
	1000	Malachi	Keen		PO Box 1314	Point Lookout	AR	65726	Info on application and voter statement does not match Different dates of birth		
	1000	Paul	Kelley		11610 Ponderosa DR	Little Rock	AR	72209	Two different DOB		
	1000	Erica	Kelley		156 Courts Ln	Little Rock	AR	72223	Signatures don't match		
	1000	Paul	Kelley		11610 Ponderosa DR	Little Rock		72209	Two different DOB		
	1000	Charles	Kelley, Sr		2200 Fort Roots Dr, Unit 1E	North Little Rock	AR	72114	No bottom line signature on voter statement		
	1000	Michael	Kemp		1201 North Pierce	Little Rock	AR	72207	Voter Identification Documents missing /Voter Statement missing		
	1000	Shirley A	Kemp		41 Longlea	Little Rock		72212	no ballot		
	1000	Michael	Kemp		1201 North Pierce	Little Rock		72207	Voter Identification Documents missing /Voter Statement missing		
	1000	KRISTINA	KENDALL		12 COACHLIGHT DR	LITTLE ROCK		72227	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		

EC Initials

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Prec	Stat	City	Current Address	DOB	Last Name	First Name	Stat	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
1000					KENDRICK	NATASHA			INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
1000		North Little Rock	201 Tonawanda Trl		Kenny	Kathleen	AR	72118	No DOB, voter id doc missing		
1000		LITTLE ROCK	21 PHELLOS CT		KERR	MARY		72223	VOTER STATEMENT MISSING		
1000		Little Rock	13207 Morrison Rd		King	Christy		72212	Voter ID documents missing No ID		
1000		LITTLE ROCK	2124 BEECHWOOD ST		KING	PATRICIA	AR	72207	NO SIGNATURE ON VOTER STATEMENT		
1000		North Little Rock	4901 Bunker Hill		Kirkpatrick	Carolyn S		72116	no ID, statement missing		
1000		N. LITTLE ROCK	14317 MCARTHUR DR		KITA	JEFFREY	AR	72118	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
1000		NORTH LITTLE ROCK	4801 N HILLS BLVD APT 1406		KLEINHOFES	HARRIET		72116	OTHER REASON/HOME ADDRESS NOT ON VOTER STATEMENT		
1000		Sherwood	7007 Park Meadows Dr		Knight	Mark	AR	72120	Did not sign voter statement		
1000		LITTLE ROCK	701 GREEN MOUNTAIN		KNIGHT	ANGELA		72211	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
1000		LITTLE ROCK	701 GREEN MOUNTAIN RD APT 1612		KNIGHT	LYNN	AR	72211	VOTER STATEMENT MISSING		
1000		North Little Rock	1006 Claycut Cir		Knight Jr	Dan	AR	72116	Voter statement missing signature		
1000		Little Rock, AR	2723 N Grant St		Knipping	Colleen Z		72202	Info missing, no DOB on application		
1000		LITTLE ROCK	17024 BURLINGAME RD		KOCINSKI	GERALD	AR	72223	VOTER ID DOCUMENTS MISSING; INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
1000		NLR, AR	13120 Crystal Hill Rd #K		Kong	Sary		72113	No ID, no signature on statement		
1000		Little Rock	2108 Settlement rd		Kovac	Maria	AR		voter statement missing		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	WILLIAM	KREMER		11 TAM O SHANTER CT	LITTLE ROCK		72212	VOTER IDENTIFICATION		
	1000	Elizabeth L	Kroskey		8700 Riley Dr, #620	Little Rock		72205	DOCUMENTS MISSING addresses don't match		
	1000	Judith A	Krug		35 Saint Johns Pl	Little Rock, AR		72207	No ID, signature on app in wrong place		
	1000	Lina	Kulkarni		119 Falata Cir	Little Rock		72223	Wrong year of birth on application		
	1000	Valorie	Lam		923 N Walkers Corner	Scott		72142	signature doesn't match		
	1000	Vivian	Lambert		1504 Washington St	Little Rock	AR	72204	No Designated Bearer info on Voter Statement		
	1000	Vivian	Lambert		1504 Washington St	Little Rock	AR	72204	No Designated Bearer info on Voter Statement		
	1000	Marla G	Landers		2225 Wilson Rd	Little Rock, AR		72205	No application attached		
	1000	FRANCES	LANDERS		2501 ALDERSGATE RD RM 108	LITTLE ROCK		72205	VOTER IDENTIFICATION		
	1000	Jo Ann D	Lane		11414 E Stoney Point Ct	Little Rock, AR		72211	DOB on app & statement doesn't match		
	1000	Phyllis J	Lane		1624 Queens Brook Ln	Ft Worth TX			signatures don't match		
	1000	Andrea I	Lanese		8 S Sweet Bay Court	Little Rock		72211	designated bearer info missing		
	1000	Kenneth	Langston		1423 Brown Street	Little Rock	AR	72204	Signatures don't match		
	1000	Kenneth	Langston		1423 Brown Street	Little Rock		72204	Signatures don't match		
	1000	Eva M	Larkin		3400 Bowman Rd, Apt 301	Little Rock, AR		72211	Marked DB but no DB signature on statement. No voter ID either.		
	1000	ROY LEE	LARRY		3600 RICHARDS RD	NORTH LITTLE ROCK		72117	VOTER IDENTIFICATION		
	1000	Lennie	Laux		4405 E 46th St Apt 3	North Little Rock	AR	72117	DOCUMENTS MISSING		
	1000	Neil	Lebeaux		2100 Nichols Rd	Little Rock	AR	72205	Voter ID documents missing		
	1000	MARY	LEBEAUX		2100 NICHOLS RD	LITTLE ROCK		72205	Voter statement missing Id and statement missing		
	1000	CHARLES	LEDBETTER		8035 HWY 161, LOT A	NORTH LITTLE ROCK		72117	VOTER IDENTIFICATION		
	1000								DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000								VOTER IDENTIFICATION		
	1000								DOCUMENTS MISSING/VOTER STATEMENT MISSING		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Dorothy	Lederman		4109 Apple Ave	Little Rock	AR	72206	Did not write name on voter statement		
	1000	Lucas	Lee		41 Bishop pl	Little Rock	AR	72207	Information on application and voter statement does not match, boxes 1,2,3 are incomplete on voter statement		
	1000	Helen T	Leigh		1421 N University, #N201	Little Rock		72207	signature on statement missing		
	1000	Karl	Leslie		35609 Kanis Road	Paron	AR	72122 72022	Voter Identification Documents missing/ Information on Application and Voter Statement does not match /Zip Codes		
	1000	Karl	Leslie		35609 Kanis Road	Paron		72122 72022	Voter Identification Documents missing/ Information on Application and Voter Statement does not match /Zip Codes		
	1000	Pearlie M	Lester		15 Loblolly	Little Rock		72204	DOB doesn't match		
	1000	ERNEST	LEVERETT		415 E 50ST	NORTH LITTLE ROCK		72217	VOTER STATEMENT MISSING		
	1000	Mara	Leveritt		2604 N Grant	Little Rock		72207	signature doesn't match		
	1000	Donna	Lewis		1320 Robb Ct	Little Rock	AR	72223	No signature on statement		
	1000	Kevin	Lewis		301 Hammond Dr, Apt A-1	Hot Springs	AR	71913	Everything in ballot envelope		
	1000	Kathryn	Lewis		801 S. Rodney Parham Apt# 14A	Little Rock, AR		72205	Voter statement missing		
	1000	Sevella R	Lewis		1101 S Hughes St	Little Rock, AR		72204	Zip code mismatch		
	1000	Troy H	Lewis		#2 Van Ommeren Straat	Paramaribo, Suriname			Addresses don't match		
	1000	EUGENE	LEWIS		2200 N PALM	LITTLE ROCK		72207	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Patricia M	Lile		14300 Chenai Pkwy, #7481	Little Rock		72211	birth year wrong on statement		
	1000	Leandrew L	Lindsey		6705 Chateau Dr	Little Rock, AR		72209	Signature on statement missing		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Shonna	Littlejohn		2400 Briarwest blvd apt 311	Houston	TX		Information on application and voter statement do not match.		
	1000	Doris	Littles		3413 King Yon Way	Lewisville, TX		75056	Voter's statement not correct with signature		
	1000	Anita B	Livingston		7801 Kanis	Little Rock		72204	no ID, no DOB on statement		
	1000	Globie	Lockett		12912 Crystal Valley RD	Little Rock, AR		72210	No Information on Designated Bearer/ Can't compare signatures		
	1000	Globie	Lockett		12912 Crystal Valley RD	Little Rock		72210	No Information on Designated Bearer/ Can't compare signatures		
	1000	James C	Lockwood		608 N Polk	Little Rock		72205	DOB doesn't match		
	1000	Martha F	Lodge		4526 Glenmere Rd	NLR, AR		72116	App missing zip code		
	1000	Marie L	Loux		30 Quail Run, #2	Little Rock		72210	incomplete statement		
	1000	Beata	Lovelace		48 Emerald Dr	Maumelle		72113	DOB doesn't match		
	1000	Tonya R	Lovercheck		1320 Braden St.	Jacksonville, AR		72076	No ID, signatures don't match		
	1000	Vincent S	Lowe		8701 Riley Dr	Little Rock		72205	no ID		
	1000	Richard L	Lowe		12716 Goldleaf Dr	Little Rock		72210	no ID, signature missing		
	1000	Caleb E	Loyd						statement missing		
	1000	Erika	Lueken		118 Ensbury DR	Little Rock	AR	72223	Voter identification/documents missing		
	1000	Erika	Lueken		118 Ensbury DR	Little Rock		72223	Voter identification documents missing		
	1000	MICHAEL	LUNZ		800 BROOKSIDE DR APT 417A	LITTLE ROCK		72205	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Herbert	Luyet		3 Shepard Cv, Apt. 114	Little Rock	AR	72205	Voter statement missing		
	1000	Khaled	Machaca		Street 14, West Bay Lagoon Laguna Beach, Villa 17	Doha, Qatar			No address match--3 different addresses		
	1000	Walter	Mack		13601 Woodbrook Dr	Little Rock	AR	72211	No DOB on application		
	1000	Patricia	Mackey		12821 Hindson RD	Little Rock	AR	72212	Address don't match		
	1000	Patricia	Mackey		12821 Hindson RD	Little Rock		72212	Address don't match		
	1000	Milton D	Madison		14021 Knighton Cove	North Little Rock		72117	statement missing		
	1000	Eileen W	Magness		5 Janwood Dr	Little Rock, AR		72227	DOB on app & statement doesn't match		

EC Initials

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Linda K	Malloy		13700 David O Dodd	Little Rock	AR	72210	signatures don't match		
	1000	Louise	Mann		715 Parkway Place DR	Little Rock	AR	72211	Voter Statement Missing /Ballot not in Envelope		
	1000	Louise	Mann		715 Parkway Place DR	Little Rock	AR	72211	Voter Statement Missing /Ballot not in Envelope		
	1000	Brison	Manor, Jr		3 Campden Hill Rd	Sherwood	AR	72120	DOB doesn't match		
	1000	Robert N	Manzy		5901 JFK Blvd, #4205	North Little Rock	AR	72116	info on app and statement don't match		
	1000	Julie	Marcks		615 N Hughes	Little Rock	AR	72205	Two signatures,?		
	1000	Gloria G	Markus		538 Hempstead 352	Nashville AR	AR	71852	no ID, addresses don't match		
	1000	ELNORA	MARSHALL		1916 RICE	LITTLE ROCK	AR	72202	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Fredrick B	Martell		100 Park Dr, Apt 624	Maumelle, AR	AR	72113	ID for a different person		
	1000	Wanda	Martin		6411 Valley Ranch Dr	Little Rock	AR	72223	No DOB verification, and missing info		
	1000	Brenda	Martin		1001 W 29th St	Little Rock	AR	72206	Info in ballot envelope		
	1000	BUDDY	MARTIN		1921 BROKEN ARROW DR	NORTH LITTLE ROCK	AR	72118	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	William B	Martin, IV		204 W. Washington St	Lexington, VA	VA	24450	No voter statement		
	1000	Cathy	Martindill		1421 N University Ave apt N224	Little Rock	AR		Not signed		
	1000	ALBERT	MASSERY		2027 PEACH TREE DR	LITTLE ROCK	AR	72211	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH/NOT SIGNED		
	1000	Cecile	Mathews		5920 Dusia dr	Little Rock	AR		Birthday on voter statement and Voter application used date of sign		
	1000	Helen	Matlock		7113 NorthLake DR	Jacksonville	AR	72076	Materials or Information Missing/ No DOB on Application		
	1000	Helen	Matlock		7113 NorthLake DR	Jacksonville	AR	72076	Materials or Information Missing/ No DOB on Application		
	1000	Willard	May		5600 Hawthorne rd	Little Rock	AR		Information on application and voter statement do not match.		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Janet	Mayer		200 S. Hospital BLVD APT 9K	Jacksonville	AR	72076	Voter Identification Documents missing /Voter Statement missing		
	1000	Janet	Mayer		200 S. Hospital BLVD APT 9K	Jacksonville		72076	Voter Identification Documents missing /Voter Statement missing		
	1000	Michael	Maynard		34 Sheila DR	Sherwood	AR	72120	Voter Identification documents Missing /NO Materials included nothing		
	1000	Michael	Maynard		34 Sheila DR	Sherwood		72120	Voter Identification documents Missing /NO Materials included nothing		
	1000	Imani G	Mays		12061 Paul Eels Dr, #106	North Little Rock		72113	no ID, no DOB on app		
	1000	Carolyn	McAllester		12703 Meyer Ln	Mabelvale	AR	72103	Statement missing		
	1000	BRAD	MCCARLEY		8200 PENNWOOD DR	SHERWOOD	AR	72120	DATE OF BIRTH MISSING FROM APPLICATION		
	1000	Pansy	McCartney		806 E. Martin ST APT 1	Jacksonville	AR	72076	Voter Identification documents missing /Materials or Information Missing/ No Signature on Statement		
	1000	Pansy	McCartney		806 E. Martin ST APT 1	Jacksonville		72076	Voter Identification documents missing /Materials or Information Missing/ No Signature on Statement		
	1000	Margeaux S	McCastlain		3140 Dyer St. Apt #4339	Dallas, TX		75205	Signatures on application and voter statement don't match		
	1000	STANLEY	MCCLAIN		2521 LINDA KAY DR	LITTLE ROCK	AR	72206	VOTER STATEMENT MISSING		
	1000	Jerald	Mcclain		1 Shady LN	Jacksonville	AR		Voter identification documents missing /Information on Application and voter statement does not match		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Nancy	McClellan		27 Archview Dr	Little Rock		72206	Photo available of voter on voter statement does not agree; voter application correct		
	1000	Nina	McConnell		6411 Valley Ranch Dr	Little Rock		72223	Date of birth does not agree on application or statement		
	1000	Robert	MCCUEN		527 Oneida st	Jacksonville	AR		Voter ID documents missing		
	1000	Elesie	McCullor		800 Brookside Dr Apt 314B	Little Rock	AR	72205	Voter statement missing No DB verification, no voter statement, no ID		
	1000	Barbara J	McDonald		108 S Claremont Ave	Sherwood, AR		72120	Materials or Information missing		
	1000	Scott J	McDonald		15612 Napoleon	Little Rock		72211	No ID; No optional signature		
	1000	Randle	McGrew		1021 W B Ave	North Little Rock		72116	ID missing & statement missing		
	1000	Theopierhus	McIntyre		11408 Luther Ln	Little Rock	AR	72206	Signature missing on voter statement		
	1000	Theopierhus	McIntyre		11408 Luther Ln	Little Rock	AR	72206	No Designated Bearer info on Voter Statement		
	1000	Rebecca A	McKinney		32 Ninth Fairway Loop	Maumelle		72113	No Designated Bearer info on Voter Statement		
	1000	Brandon M	McKissick		35 Berney Way	Little Rock		72223	DOB missing on application		
	1000	Laurel	McLaughlin		721 Bryan Dr, Box 7522	Dayton, TN		37321	addresses on app and statement don't match		
	1000	NEILL	MCLEAN		16 BELLEMEADE DR	LITTLE ROCK	AR	72204	No signature on statement--it is typed		
	1000	BESSIE	MCLEOD		9 OAKBROOKE DR	SHERWOOD	AR	72120	DATE OF BIRTH MISSING FROM VOTER STATEMENT		
	1000	MARY	MCNAMER	1940	35 HALLEN CT	LITTLE ROCK		72223	DATE OF BIRTH MISSING FROM APPLICATION		
	1000	Linda	McRoberts		404 Beaconsfield RD	Sherwood	AR	72120	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Jackie	McRoberts		404 Beaconsfield RD	Sherwood	AR	72120	No DB information on Voter Statement		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Linda	McRoberts		404 Beaconsfield RD	Sherwood		72120	No DB information on Voter Statement		
	1000	Jackie	McRoberts		404 Beaconsfield RD	Sherwood		72120	No DB Info on Voter Statement		
	1000	DONNA	MEEKS		112 DETONTI DR	MAUMELLE	AR	72113	MATERIALS OR INFORMATION MISSING		
	1000	Gayle E	Meise		6880 HWY 141 South	Jonesboro, AR		72401	Deceased		
	1000	Phyllis	Melton		15 Laffite CIR	North Little Rock	AR	72116	Voter Statement missing		
	1000	Phyllis	Melton		15 Laffite CIR	North Little Rock		72116	Voter Statement missing		
	1000	MARYLOU	MENEFEE		11363 RIVERCREST DR	LITTLE ROCK		72242	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Giana	Messore		2210 Center st	Little Rock	AR		voter statement missing		
	1000	James D	Metcalf		800 Napa Valley Dr, Apt 191	Little Rock, AR		72211	ID missing & statement missing		
	1000	Samantha	Metzler		14311 S. 25th Ave	Bellevue	NE		signature doesn't match		
	1000	PAULETTE	MEUX		6513 FARMSTEAD RD	NORTH LITTLE ROCK		72117	VOTER STATEMENT MISSING		
	1000	Patricia	Meyer		6411 Valley Ranch Dr	Little Rock	AR	72223	No Id, No voter info, DOB		
	1000	Greta M	Michael		1316 Gamble Rd	Little Rock		72211	signatures don't match		
	1000	MONROE	MICHELE		205 E 16TH ST	LITTLE ROCK	AR	72202	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Elaine C	Millay		102 Montpellier Dr	Maumelle, AR		72113	Missing DOB on statement		
	1000	Ortilia J	Miller		46 Ranch Ridge Rd	Little Rock		72223	DOB doesn't match		
	1000	SHARON	MILLER		9 POST OAK LP	SHERWOOD		72120	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	REITA	MILLER		4215 LONGTREE CV	LITTLE ROCK		72212	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Conrad	Miller		130 Apple Blossom Loop	Maumelle	AR		Voter statement missing printed name of voter		
	1000	Jonathan	Miller II		205 Wedgewood RD	Little Rock	AR	72205	Voter identification documents missing		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Jonathan	Miller II		205 Wedgewood RD	Little Rock	AR	72205	Voter Identification documents missing		
	1000	Janet	Mills		2923 Lincoln AVE	North Little Rock	AR	72114	Voter Statement missing		
	1000	Janet	Mills		2923 Lincoln AVE	North Little Rock	AR	72114	Voter Statement missing		
	1000	LENORA	MILLS		101 OLYMPIA DR APT 413	MAUMELLE	AR	72113	MATERIALS OR INFORMATION MISSING		
	1000	BERNESTINE	MINTON		309 SHERWOOD AVE	SHERWOOD	AR	72120	MATERIALS OR INFORMATION MISSING		
	1000	Taylor M	Mitcham		2 Redgrave Lane	Bella Vista	AR	72715	addresses don't match		
	1000	Beverly	Mitchell		1512 Waterside DR	North Little Rock	AR	72116	Voter Identification Documents missing /DOB missing for Application		
	1000	Miranda	Mitchell		5907 Timber View Rd	Little Rock	AR	72204	DB info missing on voter statement		
	1000	Curtis	Mitchell		1020 N G St	North Little Rock	AR	72114	No signature of voter on voter statement		
	1000	Jace	Mitchell		PO Box 2001	Monticello	AR	71656	Ballot envelope missing		
	1000	Tashanita R	Mitchell		3624 H Street Unit 39	Sacramento, CA	CA	95816	Signature doesn't match		
	1000	Lashanita D	Mitchell		3929 Boo Ln	Stockton, CA	CA	95206	Name doesn't match		
	1000	Beverly	Mitchell		1512 Waterside DR	North Little Rock	AR	72116	Voter Identification Documents missing /DOB missing for Application		
	1000	Jimmy	Mitchell		3101 S Battery st	Little Rock	AR	72116	voter statement missing		
	1000	George	Mitchell		1511 N, Fillmore St.	Little Rock	AR	72207	No Designated Bearer info on Voter Statement		
	1000	George	Mitchell		1511 N, Fillmore St.	Little Rock	AR	72207	No Designated Bearer info on Voter Statement		
	1000	LORETTA	MITCHEM		2105 STAGECOACH VILLAGE	LITTLE ROCK	AR	72210	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	PAULA	WIZELL		7020 RICHMOND RD	LITTLE ROCK	AR	72207	VOTER STATEMENT MISSING		
	1000	Edna D	Mobley		19 N Valley Dr	Jacksonville, AR	AR	72076	Voter statement missing		
	1000	Jason	Moix		8000 River Pointe Dr APT 15A44	North Little Rock /Maumelle	AR	72113	Address Different NLR VS Maumelle		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Jason	Moix		8000 River Pointe Dr APT 15A44	North Little Rock /Maumelle		72113	Address Different NLR VS Maumelle		
	1000	James C	Montague, Jr		6 Carmel Valley Ln	Little Rock, AR		72212	No DOB on application		
	1000	Karen A	Montana		10 Toulouse Ct	Little Rock		72211	statement incomplete		
	1000	Mary L	Montgomer y		10601 Richsmith, #203	Maumelle		72113	statement incomplete		
	1000	LISA	MONTGOMERY		8313 COUNTS MASSIE RD APT 306	MAUMELLE		72113	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Terry C	Mooney		4614 W Justice Rd	Cabot		72023	No ID, birthdate doesn't match		
	1000	Rita	Moore		4800 W. 14th ST APT B	Little Rock	AR	72204	Voter Identification documents missing/Voter Statement Missing		
	1000	Brenda	Moore		4522 Orange St	North Little Rock	AR	72118	id and statement missing, see ballot envelope		
	1000	Patsy R	Moore		9216 Lanehart Rd. Apt. 18	Little Rock, AR		72204	ID missing & statement missing		
	1000	Clarence	Moore		1700 N Hughes, #17	Little Rock		72207	no ID, statement missing		
	1000	Rita	Moore		4800 W. 14th ST APT B	Little Rock		72204	Voter Identification documents missing/Voter Statement Missing		
	1000	MARION	MOORE		7418 KNOLLWOOD RD	LITTLE ROCK		72209	OTHER REASON/ NO SIGNATURE INFORMATION ON APP AND		
	1000	PHYLLIS	MOORE		13401 RIDGEHAVEN RD	LITTLE ROCK		72211	VOTER STATEMENT DOES NOT MATCH		
	1000	LLOYD	MOORE		13401 RIDGEHAVEN RD	LITTLE ROCK		72211	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	IRIS	MOORE		1815 DENNISON	LITTLE ROCK	AR	72202	NO SIGNATURE ON VOTER STATEMENT		
	1000	Charles	Moore		1017 Donovan Briley bld apt B	NLR	AR		voter did not sign voter statement, voter identification docs missing.		
	1000	Betty	Mooser		8 Big Stone CT	Little Rock	AR	72227	Information on Application and Voter Statement Do not match/ DOB		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Betty	Mooser		8 Big Stone CT	Little Rock	AR	72227	Information on Application and Voter Statement Do not match/DOB		
	1000	Betty	Moreland		101 Oleary Ln	North Little Rock	AR	72118	Address on statement does not match		
	1000	Margaret A	Morris		2 Rosaires Way	Little Rock, AR	AR	72223	Signitures don't match		
	1000	Addie	Morris-Kelly		1910 Main St	Little Rock	AR	72206	Info on application and voter statement does not match Voter statement had current date		
	1000	Beverly	Morrison		142 Kelso Rd	Jacksonville	AR	72076	No birthday on application		
	1000	Shirley	Morrison		1613 College st	Little Rock	AR		Information on application and voter statement do not match.		
	1000	Lorraine	Mosby		88 Dartmouth Dr	Little Rock	AR	72202	No designated bearer info.		
	1000	Margaret	Mosley		6510 Woodfield Rd	Little Rock	AR	72209	No address for DB, no signature		
	1000	Darlene F	Motley		13724 Sandy Ann Dr	Little Rock, AR	AR	72206	Info (address) on app & statement don't match		
	1000	JOE	MOUROT		19 SUNSET DR	CAMMACK VILLAGE	AR	72202	REASON:INFO INSIDE BALLOT ENVELOPE		
	1000	Beverly	Murawski		194 Deauville Dr	Maumelle	AR		Voter statement-mission dob		
	1000	JANICE	MUSE		7924 N CLAREMONT AVE	SHERWOOD	AR	72120	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	WILLIAM	MUSE		7924 N CLAREMONT AVE	SHERWOOD	AR	72120	VOTER STATEMENT MISSING		
	1000	William C	Myers		Rozhdestvensky Blvd, 5/7	Moskva	AR	107045	no ID, statement missing		
	1000	Nia	Myton		19 Silver Ridge Cv	North Little Rock	AR	72118	Info on application and voter statement does not match		
	1000	Clausey	Myton, Jr.		19 Silver Ridge Cv	North Little Rock	AR	72118	Signatures don't match		
	1000	Margaret	Naramore		22 Dun Aengus, The Docks	Galway, Connacht H91 XEC2, Ireland	AR		No voter statement, id missing, materials missing--ballot		
	1000	STEPHANIE	NASH		1225 EUREKA GARDENS RD	N. LITTLE ROCK	AR	72117	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Brian	Nation		7300 Briarwood Dr	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	Brian	Nation		7300 Briarwood Dr	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	MELVINA	NEAL		1 QUAIL RUN CIR APT 502	LITTLE ROCK	AR	72210	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Elizabeth	Neher		1506 S Fillmore St	Little Rock	AR	72204	DOB does not match		
	1000	Sherry	Neillums		605 W Scenic Dr, Apt M-24	North Little Rock	AR	72118	Address missing from bottom L of app and zip on mailing address doesn't match voter statement.		
	1000	Grabriel A	Newton		4806 Gum Lot A	North Little Rock	AR	72118	no ID, statement missing		
	1000	Tuyet	Nguyen		12080 Rivercrest DR	Little Rock	AR	72212	DOB Incomplete on Application for Ballot		
	1000	Tuyet	Nguyen		12080 Rivercrest DR	Little Rock	AR	72212	DOB Incomplete on Application for Ballot		
	1000	ANN	NGUYEN		26 HICKORY LN	MAUMELLE	AR	72113	VOTER STATEMENT MISSING		
	1000	Kellye R B	Nichols		80 W Windsor Dr	Little Rock, AR	AR	72209	No DOB on application		
	1000	VICKI	NICHOLS		1007 DONOVAN BRILEY BLVD APT H	NORTH LITTLE ROCK	AR	72118	OTHER REASON/TWO DIFFERENT BIRTH DATES		
	1000	Amber	Nicklaus		103 Fontainbleau Dr	Maumelle	AR	72113	Id and statement missing, no ballot envelope		
	1000	Earl R	Nix, Sr		5624 Perkins St	Little Rock, AR	AR	72206	Voter statement missing		
	1000	Walter W	Nixon, III		1412 Graham	Jacksonville	AR	72026	no signature on statement		
	1000	Riley	Noel		203 Commentry LN	Little Rock	AR	72223	Voter identification documents missing/Voter Statement Missing		
	1000	Nicole	Noel		203 Commentry LN	Little Rock	AR	72223	Voter identification documents missing/Voter Statement Missing		
	1000	Riley	Noel		203 Commentry LN	Little Rock	AR	72223	Voter identification documents missing/Voter Statement Missing		
	1000	Nicole	Noel		203 Commentry LN	Little Rock	AR	72223	Voter identification documents missing/Voter Statement Missing		
	1000	John	Noland		2229 Crestwood Rd	North Little Rock	AR	72116	no signature on statement		
	1000	Charles	Noland		99 Perkins EXT	Memphis, TN	AR	38117	Addresses don't match		

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Prec	Stat	City	Current Address	DOB	Last Name	First Name	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
1000	AR	Little Rock	4224 W 15th St		Nowden, IV		72204	D.S. info not filled out on V.S.		
1000	AR	Maumelle	105 Orleans Dr		Nwokoro		72113	Voter statement missing		
1000	AR	Little Rock	10 Armistead Village Cir, Apt 17		Oakley		72223	Birth day differs on statement/application		
1000		Celbridge Co. Kildare W23	11 Temple Mills Cottages		Oberste			Address does not match		
1000		DX43 Ireland	8809 Byron		Okeke, Sr		72205	birth dates don't match		
1000	AR	LITTLE ROCK	926 MERRIVALE DR		OLIVE		72209	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
1000	AR	Little Rock	4715 Buckingham Pl		Oliver		72209	No DB info on voter statement		
1000		Little Rock, AR	142 White Oak Ln		Oliver			Voter statement missing		
1000		Maumelle	39 W Point Dr		Oliver		72113	no DOB on application		
1000	AR	LITTLE ROCK	139 WHITE OAK LN		OLIVER		72227	VOTER STATEMENT MISSING		
1000		Little Rock	904 Lewis		Ollison		72204	no ID		
1000	AR	Jacksonville	1320 Braden St		Orrillon		72076	No Designated Bearer info on Voter Statement		
1000	AR	Jacksonville	1320 Braden St		Orrillon		72076	No Designated Bearer info on Voter Statement		
1000		Little Rock, AR	2414 N Tyler St, Apt 304		Oswald		72207	ID missing		
1000	AR	Little Rock	4206 Valley View dr		Otwell			Information on application and voter statement do not match.		
1000		North Little Rock	4821 Oaklawn		Ouzts		72116	no ID, DOB differ on statement and application		
1000		Dallas, TX	3447 Granda Ave Unit #1		Owens		75202	No application attached		
1000	AR	Nashville	PMB 356234 2301 Vanderbilt Pl		Padala			other : no date of birth		
1000	AR	Little Rock	19 Ledgelawn		Paddie		72212	Application has no Voter Information		
1000		Little Rock	19 Ledgelawn		Paddie		72212	Application has no Voter Information		
1000	AR	Maumelle	1 Nicklaus dr		Page			other: no signature on absentee statement		

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Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Joella	Paige		1536 W 10th St, Apt B2	NLR, AR	AR	72114	No application attached		
	1000	John	Palmer		800 Napa Valley DR APT 162	Little Rock	AR	72211	Voter Identification documents missing /Materials or Information Missing		
	1000	John	Palmer		800 Napa Valley DR APT 162	Little Rock	AR	72211	Voter Identification documents missing /Materials or Information Missing		
	1000	Suzette	Parker		2400 Ella CT	North Little Rock	AR	72118	Voter Identification Documents missing		
	1000	Suzette	Parker		2400 Ella CT	North Little Rock	AR	72118	Voter Identification Documents missing		
	1000	LOUIS	PARKER		43 WARREN DR APT 162	LITTLE ROCK	AR	72209	NO BIRTHDATE		
	1000	Yolanda	Parks		1912 Green Mountain Dr Apt. 182	Little Rock	AR		other ID and ballot		
	1000	Mary	Partridge		1365 W. Cleveland St. PMB 0611	Fayetteville	AR	72116	Address differs on voter statement/application		
	1000	Melanie	Paschall-Schick		Strickleinsweg 15 97199 Ochsenfurt GERMANY	Sherwood	AR	72120	Voter ID documents missing Voter used current address on voter statement, UOCAVA - Also addresses don't match.		
	1000	Animeshbhai	Patel		6733 Austin Bay CT	Sherwood	AR	72120	Voter Statement Missing		
	1000	Animeshbhai	Patel		6733 Austin Bay CT	Sherwood	AR	72120	Voter Statement Missing		
	1000	Humaira F	Pathan		9208 Northhedge Rd	Little Rock, AR	AR	72227	No address on application		
	1000	CHRISTOPHER	PATTERSON MCGOUGH		912 BITTERCRESS DR	NORTH LITTLE ROCK	AR	72117	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	JEANNE	PAULSON		2401 LINDA LANE	JACKSONVILLE	AR	72076	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	JOHANNA	PAULUS		7 ROANNE CT	LITTLE ROCK	AR	72212	VOTE STATEMENT MISSING		
	1000	Margriet J	Pearson		91 Valley Club Cir	Little Rock, AR	AR	72212	ID missing		

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EC Initials

Prec ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	DILLARD	PEARSON		91 VALLEY CLUB CIRCLE	LITTLE ROCK	AR	72212	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	LYNDON	PECTOL		2123 LAMBERT RD	LITTLE ROCK	AR	72223	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	William	Peek		2124 N. McKinley St	Little Rock, AR		72207	ID missing		
	1000	Terry G	Peeples		8300 Windsor Valley Dr	NLR, AR		72116	Voter statement missing		
	1000	Galvester	Peer		901 Stagecoach Village Dr	Little Rock	AR	72210	ID and Statement Missing		
	1000	John D	Pemberton		224 Valmar St	Little Rock, AR		72205	ID missing & statement missing		
	1000		PENNINGTON						INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	WENDI	Earl	1948	109 CAMBRIDGE PL	LITTLE ROCK		72227	no ID, statement missing		
	1000	Martha J	Perry		2605 Lewis St	Little Rock		72204	No signature on statement		
	1000	Jake	Perry		620 N Hughes St	Little Rock, AR		72205	voter id docs missing		
	1000	Raymond	Peters		4911 145th st	Little Rock	AR		Voter Identification Documents missing /DOB missing for Application		
	1000	Sue M	Peters		15201 Chambrey DR	Little Rock	AR	72211	No DOB on application		
	1000	Raymond	Peters		1 Cherry Shade Ct	Little Rock, AR		72211	Voter Identification Documents missing /DOB missing for Application		
	1000	MILDRED	PETERSON		15201 Chambrey DR	Little Rock		72211	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Ethel	Petties		11 CALVARY CR	LITTLE ROCK		72211	2 ballots in one envelope, didn't receive mailing env for both from clerk		
	1000	KAY	PETTY		11901 Sardis Rd	Mablevale		72103	OTHER REASONS/NO BALLOT		
	1000	Rosalyn	Phillips		238 E B AVE	NORTH LITTLE ROCK	AR	72116	voter id docs missing		
	1000	Susan	Phillips		3608 W 13th st	Little Rock	AR	72120	Voter Statement Missing		
	1000	Jacobie	Phillips		6 Villas Drive	Sherwood	AR	72120	Signatures don't match		
	1000	Jacobie	Phillips		1419 Westhampton Dr	Little Rock	AR	72211	Signatures don't match		

EC Initials

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Susan	Phillips		6 Villas Drive	Sherwood	AR	72120	Voter Statement Missing		
	1000	Eugene	Phillips		13500 Chenal pkwy apt 703	Little Rock	AR		no signature on voter statement		
	1000	Harold	Phillips		1 Cherryhill Cv	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	Harold	Phillips		1 Cherryhill Cv	Little Rock	AR	72211	No Designated Bearer info on Voter Statement		
	1000	Ashley	Piechocki		413 N West Ave Unit 622	Fayetteville	AR		Information on application and voter statement do not match.		
	1000	KATHY	PIERCE		700 E 9TH	LITTLE ROCK	AR	72202	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Gloria J	Pinuel		8209 Toltec Dr	North Little Rock	AR	72116	no ID, info on app and statement don't match		
	1000	CAROL	PITTMAN		3309 RIDGE RD	NORTH LITTLE ROCK	AR	72116	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	RICHARD	PLUNKETT		10905 BIRCHWOOD DR	LITTLE ROCK	AR	72211	VOTER STATEMENT MISSING		
	1000	Corey A	Pogue		27 Glen Ave	Eureka Springs	AR	72632	addresses don't match		
	1000	Frank	Pohlkamp		60 Wiers Dr	Little Rock	AR	72223	left digit out of zip code		
	1000	KRYSTAL	POOLE		9009 MEADOW GARDENS CIR	SHERWOOD	AR	72120	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	James	Porter		Rotlintstrasse 69, 60389	Frankfurt am Main Germany	AR		Voter ID documents missing		
	1000	Linda	Porter		5 Dee Ct	Little Rock	AR		Voter statement missing		
	1000	Robbie A	Poulin		7316 Grace Rd	Little Rock	AR	72209	not in ballot envelope		
	1000	Lucious	Powell		5375 Wyntree Ct. NW	Peachtree Corners, GA	GA	30071	voter statement missing		
	1000	HELEN	PRAITT						No ID, signatures don't match		
	1000	Thomas	Presley		2205 S RINGO ST	LITTLE ROCK	AR	72206	VOTER IDENTIFICATION DOCUMENTS MISSING/INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000				107 Spring River Rd	Sherwood	AR	72120	Missing signature		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
			Presley-Pearson								
	1000	Doris J	Pearson		PO Box 23692	Little Rock	AR	72221	zip codes don't match		
	1000	Myra	Preyer		2701 Valentine RD	North Little Rock	AR	72117	No address for Designated Bearer		
	1000	Myra	Preyer		2701 Valentine RD	North Little Rock	AR	72117	No address for Designated Bearer		
	1000	Sir Whitney	Price		715 Trevino Dr	Maumelle	AR	72113	wrong id		
	1000	VIVIAN	PRICE		708 GLYNN LN	N. LITTLE ROCK	AR	72117	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	DAN	PRIDE JR		8507 WINSTON DR	LITTLE ROCK	AR	72209	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Cindy	Pugh		12 Lantern Hill RD	Little Rock	AR	72227	Absentee Cancellation Sheet is in the Envelope		
	1000	Cindy	Pugh		12 Lantern Hill RD	Little Rock	AR	72227	Absentee Cancellation Sheet is in the Envelope		
	1000	ROBERT	PUGH		14300 CHENAL PKWY APT 7005	LITTLE ROCK	AR	72211	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	KATHRYN	RAGAN		8700 RILEY DR	LITTLE ROCK	AR	72205	OTHER REASONS/ NO MATCHING ADDRESS		
	1000	ROY	RAGAN		2501 JOHN ASHLEY DR	NORTH LITTLE ROCK	AR	72114	NO ADDRESS OF DESIGNATED BEARER		
	1000	Ellen M	Ball		14500 Chenal PKWY	Little Rock, AR	AR	72211	Incomplete address on statement		
	1000	Sally	Ramsey		1128 Club Rd	Sherwood	AR	72120	No voter's printed name		
	1000	Mary	Randolph		1601 Glenda Dr	Little Rock	AR	72205	Statement not filled out		
	1000	LENA	RANEY		7525 RANEY LANE	LITTLE ROCK	AR	72223	VOTER IDENTIFICATION MISSING/MATERIALS OR INFORMATION MISSING		
	1000	KYRA	RATTLER		3201 GILMAN ST	LITTLE ROCK	AR	72204	VOTER IDENTIFICATION DOCUMENTS MISSING/ VOTER STATEMENT MISSING		
	1000	Kristina	Raveendran		2003 Vizcaya Walk	Sacramento, CA	CA	95818	Signatures don't match		
	1000	ORVAL	RAVELLETT E SR		302 S LONGFIELD AVE	SHERWOOD	AR	72120	VOTER IDENTIFICATION DOCUMENTS MISSING		

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	1000	MARION	RAWN		18 SHEFFIELD DR	LITTLE ROCK		72209	OTHER REASON/DATE OF BIRTH DIFFERENT		
	1000	Joseph	Ray		2025 Cedar Creek RD	North Little Rock	AR	72116	Address does not match		
	1000	Georgia Mae	Ray		915 E Grande Blvd, #3703	Tyler TX		75703	wrong address on statement		
	1000	Joseph	Ray		2025 Cedar Creek RD	North Little Rock		72116	Address does not match		
	1000	Tara L	Reckert		8607 Ranch Blvd	Little Rock		72223	signature on statement missing		
	1000	Henry	Rector		5236 N Grandview	Little Rock	AR		no dob on application		
	1000	Billie Sue	Reed		101 N Folk Dr	Sherwood, AR		72120	Address on app & statement doesn't match		
	1000	TIFFANY	REED		1501 PARKWAY DR	N. LITTLE ROCK	AR	72118	VOTER STATEMENT MISSING		
	1000	Mary	Reed		320 Corkwood Dr.	Little Rock	Ar		no ballot enclosed		
	1000	Geraldine L	Reeder		4701 White Oak Tr	North Little Rock		72118	statement is blank		
	1000	Patsy L	Reeder		510 Brookside, unit 37	Little Rock		72205	no ID, no signature on statement		
	1000	Patsy J	Reese		33 Courtside Pl	Little Rock		72210	no ID, statement missing		
	1000	Susan L	Regan		9332 Cliffside Dr	Sherwood, AR		72120	Signitures on application and voter statement don't match		
	1000	Shirley	Register		161 Mountain Valley DR	Maumelle	AR	72113	missing		
	1000	Shirley	Register		161 Mountain Valley DR	Maumelle		72113	Voter identification documents missing		
	1000	GARY	REID		131 ALMOND CV	SHERWOOD	AR	72120	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Carina E	Rommel		145 SW 13th St, #824	Miami FL		33130	DOB doesn't match		
	1000	REBECCA	REMMEL		7604 OHIO ST APT 21	LITTLE ROCK	AR	72227	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Vanessa	Reynolds		1912 Green Mountain Dr Apt. 182	Little Rock	AR		ID inside ballot		

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	1000	WALTER	RHEA		103 ALEXANDRIA DR	MAUMELLE	AR	72113	VOTER IDENTIFICATION DOCUMENTS MISSING/ZIP CODES DO NOT MATCH/DOES HAVE OPTIONAL SIGNATURE		
	1000	Willie	Rhine		305 S. Palm St	Little Rock	AR	72205	zip codes differ on statement and application		
	1000	Tiara L	Rice		90 Tolbert Loop	North Little Rock		72117	addresses don't match		
	1000	Johnna L	Rice		8700 Riley Dr, #313	Little Rock		72205	signature missing on statement		
	1000	Rocio O.	Richard		118 Cambridge Place Dr	Little Rock	AR	72227	No Designated Bearer info on Voter Statement		
	1000	Rocio O.	Richard		118 Cambridge Place Dr	Little Rock	AR	72227	No Designated Bearer info on Voter Statement		
	1000	Jimmie E	Richardson		10300 Harper	Little Rock		72206	addresses don't match		
	1000	GEORGE N	RICHARDSON		9409 LABETTE DR	LITTLE ROCK		72205	OTHER REASON/DATE OF BIRTH DIFFERENT		
	1000	Dora	Ricks		6820 Azalea	Little Rock	AR	72209	No Designated Bearer info on Voter Statement		
	1000	Dora	Ricks		6820 Azalea	Little Rock	AR	72209	No Designated Bearer info on Voter Statement		
	1000	Katevion	Ridley		7517 Garden Way Dr	Sherwood		72120	Voter ID documents missing ZIP code questionable on vote; statement; no option signature;		
	1000	Sarah	Riggs		3406 Willow St	North Little Rock	AR	72118	No Designated Bearer info on Voter Statement		
	1000	Sarah	Riggs		3406 Willow St	North Little Rock	AR	72118	No Designated Bearer info on Voter Statement		
	1000	Jennifer	Rigsby		10 Suwannee Cv	Maumelle	AR	72113	Signature doesn't match		
	1000	Kelly M	Robbins		4107 Arlington Dr	NLR, AR		72116	ID missing & statement missing info on app and statement don't match		
	1000	Janet L	Robertson		8001 Bruce Ln	North Little Rock		72118			
	1000	JACQUELINE	ROBERTS		4209 VALLEY VIEW DR	LITTLE ROCK		72212	OTHER REASON/NO SIGNATURE ON VOTER STATEMENT		
	1000	HUGH	ROBERTS		801 S RODNEY PARHAM 9C	LITTLE ROCK		72205	VOTER STATEMENT MISSING		
	1000	JIMMY	ROBERTS		106 PINE ROCK CT	ALEXANDER	AR	72002	OTHER (NO BALLOT)		

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	1000	DEBORAH	ROBERTS		5305 N LOCUST ST	N. LITTLE ROCK	AR	72116	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Lora	Robinson		1428 Rav RD	Jacksonville	AR	72076	Information on Application and Voter Statement does not match /Address		
	1000	Lola	Robinson		10601 Richsmith Ln Apt 209	Maumelle	AR	72113	No id and no statement		
	1000	Lora	Robinson		1428 Rav RD	Jacksonville	AR	72076	Information on Application and Voter Statement does not match /Address		
	1000	Brenda	Rockins		87 Dartmouth Dr	Little Rock	AR	72204	No designated bearer info.		
	1000	Jonah T	Rodgers		6331 Lynn Crest Lane Apt. 305	Raleigh, NC		27609	Application illegible		
	1000	CHARLES	RODGERS		6 BRYAN KEITH CRT	LITTLE ROCK			VOTER IDENTIFICATION DOCUMENTS MISSING/MISSING ZIP CODE		
	1000	BOOKER	RODGERS		1900 RICE ST	LITTLE ROCK	AR	72202	INCOMPLETE VOTER STATEMENT		
	1000	William	Rodgers JR		4700 N. Cedar ST	North Little Rock	AR	72116	Materials or Information Missing/ No DOB on Application		
	1000	William	Rodgers JR		4700 N. Cedar ST	North Little Rock		72116	Materials or Information Missing/ No DOB on Application		
	1000	Lyndel	Roe		51 Cliffwood Cir	North Little Rock	AR	72118	Problem with zip code		
	1000	Marlena	Roe		51 Cliffwood Cir	North Little Rock	AR	72118	Problem with zip code		
	1000	Jarvis R	Rogers		300 Indianhead Cv, #96	Sherwood		72120	application incomplete		
	1000	Christian A	Rogers		2318 Stoney Creek	Little Rock		72211	designated bearer info missing		
	1000	Joseph	Roitz		2016 Topf Rd	North Little Rock	AR	72116	Signature doesn't match		
	1000	Victoria L	Rollins		501 Mapel St, Apt. B121	Fayetteville, AR		72701	Address on app & statement doesn't match		
	1000	Meldia	Rose		25 Nob Hill Cove	Little Rock	AR	72205	Voter Identification Documents missing		

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	1000	Amanda	Rose		149 Aurriel CIR	Maumelle	AR	72113	No Signature		
	1000	Meldia	Rose		25 Nob Hill Cove	Little Rock		72205	Voter Identification Documents missing		
	1000	Amanda	Rose		149 Aurriel CIR	Maumelle		72113	No Signature		
	1000	Melanie	Rosenberg		P. O. Box 11036	Jerusalem			Address mismatch		
	1000	Ethel M	Rossi		525 Skyline Dr	91110 - Israel NLR, AR		72116	Incomplete statement		
	1000	Lauren	Rothman		55 Berney Way DR	Little Rock	AR	72223	No Signature on Voter Statement		
	1000	Lauren	Rothman		55 Berney Way DR	Little Rock		72223	No Signature on Voter Statement		
	1000	Patricia	Rowe		11 Kingsbridge Way Dr	Little Rock	AR	72212	No Designated Bearer info on Voter Statement		
	1000	Patricia	Rowe		11 Kingsbridge Way Dr	Little Rock	AR	72212	No Designated Bearer info on Voter Statement		
	1000	DENNIS	RUDD		4519B 19TH AVE SE	LACEY		98503	NO APP ON FILE		
	1000	Cynthia	Russenberger		43 Thornhill DR	Sherwood	AR	72120	No DB information on Voter Statement		
	1000	Cynthia	Russenberger		43 Thornhill DR	Sherwood		72120	No DB information on Voter Statement		
	1000	Janice	Ruth		52 Mountain Terrace Cir	Maumelle	AR	72113	No ballot voter id docs missing/voter statement missing		
	1000	William	Rutledge		60 Talais dr	Little Rock	AR				
	1000	GEORGE	RYAN		75 HUNTERS GREEN C	LITTLE ROCK		72211	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Robert	Sadler		519 Donovan Briley	North Little Rock	AR	72118	Voter Identification documents missing		
	1000	Robert	Sadler		519 Donovan Briley	North Little Rock		72118	Voter Identification documents missing		
	1000	YVONNE	SAMONS		9417 MILLERS GARDENS COVE	SHERWOOD		72120	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	DONALD	SAMPSON		5900 S WOODVIEW DR	SHERWOOD		72120	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Deborah L	Samra		2201 N Spruce	Little Rock		72207	addresses don't match		

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	1000	Phyllis E	Sanders		15 Carroll Cir	Mabelvale, AR	AR	72103	No ID, DOB on application illegible		
	1000	PATSY	SANDERS		3600 RICHARDS RD	NORTH LITTLE ROCK	AR	72114	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Michelle	Sandoval		5009 Atkins St.	North Little Rock	AR	72117	No Designated Bearer info on Voter Statement		
	1000	Michelle	Sandoval		5009 Atkins St.	North Little Rock	AR	72117	No Designated Bearer info on Voter Statement		
	1000	Aaron L	Sarlo		6500 W 3rd St	Little Rock	AR	72205	statement missing		
	1000	SARAH	SARLO		6500 W 3RD ST	LITTLE ROCK	AR	72205	VOTER STATEMENT MISSING		
	1000	Marlene	Sartain		2108 Peach Tree Dr	Little Rock	AR	72211	No designated bearer ID on all documents		
	1000	Bob Ed	Scarborough		818 Koehler Ave	Sherwood, AR	AR	72120	Signitures mismatch		
	1000	Anne M	Scardino		3 Shepard Cv, Apt 304	Little Rock, AR	AR	72205	No ID, no DOB on application		
	1000	John	Schellhase		Gobernador Fernandez Jimenez 3, 4D	Segovia 40001			no ballot		
	1000	Rose	Schlatterer		5301 Randolph Road	North Little Rock	AR	72116	Date of Birth on Application does not agree with Statement		
	1000	Rose	Schlatterer		5301 Randolph Road	North Little Rock	AR	72116	Date of Birth on Application does not agree with Statement		
	1000	CHARLES	SCHNEBELE		211 NANTUCKET LOOP	MAUMELLE	AR	72113	VOTER IDENTIFICATION DOCUMENTS MISSING/OTHER REASON/ DATE OF BIRTH MISSING		
	1000	HANS	SCHROEDE		28 SHEILA DR	SHERWOOD	AR	72120	VOTER STATEMENT MISSING		
	1000	Sue E	Scogins		903 Wildwood	Sherwood	AR	72120	no ballot		
	1000	Isabel A	Sears Surface		P. O. Box 6432	Sackville NB E4L 1G6 Canada			Addresses don't match		
	1000	John	Segeda JR		2225 Wilson RD	Little Rock	AR	72205	Voter Identification documents missing		
	1000	John	Segeda JR		2225 Wilson RD	Little Rock	AR	72205	Voter Identification documents missing		
	1000	Jordan	Seitz		13410 Abinger Drive	Little Rock	AR	72212	Signatures don't match		
	1000	John E	Sekula		917 Latigo Trl	Jacksonville	AR	72076	statement missing		

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			Augusta									
			Cristina F	Selva		5712 C St	Little Rock	AR	72205	addresses don't match		
			Penny	Settles		10 Utica Ln	Little Rock	AR	72204	No Designated Bearer info on Voter Statement		
			Penny	Settles		10 Utica Ln	Little Rock	AR	72204	No Designated Bearer info on Voter Statement		
			BARBARA	SHADDOX		2901 ALDERGATE RD #108	LITTLE ROCK		72205	VOTER STATEMENT MISSING		
			Delola M	Shaw		14424 Arnies Valley	Cabot		72023	no ID, statement missing		
			MARI	SHAW		46212 HWY 10	PERRYVILLE		72126	VOTER IDENTIFICATION DOCUMENTS MISSING AND SIGNATURE MISSING		
			Mechan	Shermer		5209 Sherwood Rd	Little Rock, AR		72207	Signitures don't match		
			Karen M	Shires		37 Woodstream Cv	Little Rock		72211	info on app and statement don't match		
			GERALD	SHIRES		37 WOODSTREAM CV	LITTLE ROCK		72211	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
			Terri L	Shrum		Hampton Inn 1910 South College Rm 329	Lafayette LA		70508	no ID, DOB missing from app		
			Mary	Shuburte		114 Wellington Woods Cv	Little Rock, AR		72211	Signitures on application and voter statement don't match		
			DEBRA	SIGLER		5321 N VINE ST	NORTH LITTLE ROCK		72116	OTHER REASON: BIRTH DATE		
			Mary C	Simmons		7 Prospect Trl	NLR, AR		72118	DON'T MATCH		
			Michele	Simpkins-Thomas		1204 Glenda DR	Little Rock	AR	72205	ID missing, no DOB on app		
			Michele	Simpkins-Thomas		1204 Glenda DR	Little Rock		72205	Address Does not match		
			THERESA	SIMS		10434 W 36TH ST APT 11C	LITTLE ROCK		72204	Address Does not match		
			Ivory	Singleton		1505 Dr MLK	Little Rock		72202	VOTER STATEMENT INCOMPLETE		
			PETER	SIXBY		1514 GARLAND AVE	N. LITTLE ROCK	AR	72116	no address on application		
			Sara L	Skroh		3900 McCain Park Dr, #217	North Little Rock		72116	OTHER		
									72116	DOB doesn't match		

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	1000	Erna	Slocum		5219 Southboro Dr	Little Rock	AR	72209	Voter ID documents missing info on application and voter statement does not match address of designated bearer		
	1000	Jacquelyn	Smith		106 Manson Rd Apt 41	Sherwood	AR	72120	Voter id missing		
	1000	Tanner	Smith		8211 Alvin Ct	Little Rock	AR	72227	no address of DB in voter statement		
	1000	Clark	Smith		62 N Main St, Apt 1001	Memphis, TN		38103	2 different addresses		
	1000	Robert	Smith		PO Box 242146	Little Rock	AR	72223	Voter ID documents missing		
	1000	Glenna	Smith		77 Warwick Rd	Little Rock		72205	Voter ID documents missing		
	1000	Gloria S	Smith		1140 Bainbridge	Little Rock		72212	Voter statement missing		
	1000	Christine L	Smith		8805 Wilhite Ln	Sherwood		72120	statement missing		
	1000	Eryn M	Smith		4989 Homespun Dr	Fayetteville		72704	info on app and statement don't match		
	1000	Kenneth A	Smith		701 N Vine	North Little Rock		72114	DOB missing		
	1000	GENE	SMITH		12913 HEINKE RD	MABELVALE		72103	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	TIMOTHY	SMITH		8301 HIDDEN VALLEY RD	LITTLE ROCK	AR	72223	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Terri	Smith		3509 Cypress st	NLR	Ar		wrong AB app attached to envelope		
	1000	Brett	Smith		45 Commentary Dr	Little Rock	AR		other all 3 addresses are different		
	1000	Nicholas	Smith		1320 S Scott St, Apt 301A	Little Rock, AR		72202	Incomplete statement		
	1000	Clinton	Smith, Jr		316 Southeastern Ave	Jacksonville, AR		72076	No ID, wrong person's statement		
	1000	STEPHEN	SNYDER		5400 CHENONCEAU BLVD APT 610	LITTLE ROCK	AR	72223	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	William C	Souder		10 Bridge Field Dr	Sherwood		72120	statement missing		

EC Initials

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
			Southerlan								
	1000	Dana A	d		15603 Scenic Point Dr	Maumelle, AR		72113	No signature on statement		
	1000	Gerry	Spann		3 Purdue Cir	Little Rock	AR	72204	no DB info on statement		
	1000	JIMMY	SPARKS		4721 W 30TH ST	LITTLE ROCK	AR	72204	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Mascheil	Spearmon		4717 W 16th st	Little Rock	AR		voter id docs missing, voter statement missing		
	1000	John W	Spivey		3 Country Oaks Dr	Little Rock		72223	no ID, no statement		
	1000	Pasty	Spring		638 Donovan Briley BLVD	North Little Rock	AR	72118	Voter Statement Missing		
	1000	Pasty	Spring		638 Donovan Briley BLVD	North Little Rock		72118	Voter Statement Missing		
	1000	Jennifer	Squires		5 Bradley Lane	Little Rock	AR	72227	Voter Identification documents missing /Materials or Information Missing/ No Signature on Statement		
	1000	Jennifer	Squires		5 Bradley Lane	Little Rock		72227	Voter Identification documents missing /Materials or Information Missing/ No Signature on Statement		
	1000	PAUL	STAGGS		401 N PIERCE ST	LITTLE ROCK		72205	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	TRACY	STANLEY		2512 W PERSHING BLVD	NORTH LITTLE ROCK		72114	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Dexter L	Stanton		8 Cinnamon Dr	Sherwood, AR		72120	Voter signature missing		
	1000	MARY	STAPLES		3 SHEPARD COVE, APT 321	LITTLE ROCK		72205	VOTER STATEMENT NOT FILLED OUT		
	1000	CLAUDACE	STAPLES		4920 AUGUSTA CIRCLE, APT F	NORTH LITTLE ROCK		72118	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Olivia	Stauss		5 Wellington Parish Cove	Little Rock	AR	72211	Address don't match		
	1000	Olivia	Stauss		5 Wellington Parish Cove	Little Rock		72211	Address don't match		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Mary Lisa	Steadman		12617 Valleywood Dr	Little Rock, AR	AR	72211	Voter statement missing		
	1000	Bart D	Steadman		12617 Valleywood Dr	Little Rock		72207	statement missing		
	1000	Breana	Steele		835 Clarkson ST	Little Rock	AR	72205	Information on Application and Voter Statement does not match /Address		
	1000	Breana	Steele		835 Clarkson ST	Little Rock		72205	Information on Application and Voter Statement does not match /Address		
	1000	Suzanne	Steele		109 Sugar Maple Dr	Sherwood	AR	72207	dob missing on voter application		
	1000	Nancy	Stephens		6834 Cantrell Rd	Little Rock	AR	72207	address not matching		
	1000	Dennis J	Stevens		P. O. Box 241283	Little Rock, AR		72223	DOB doesn't match on application & statement		
	1000	James C	Stevenson		37 Woodberry Rd	Little Rock, AR		72212	No ballot		
	1000	MARGARET	STEVENSON		37 WOODBERRY RD	LITTLE ROCK	AR	72212	OTHER- NO BALLOT		
	1000	ASHLEY	STEWART		8022 W 28TH ST	LITTLE ROCK		72204	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH/ADDRESS		
	1000	Jonathan	Stewart		95 Wood Run	Sanford, NC		27332	not in large envelope, missing statement or id, military		
	1000	Veronica J	Stewart		1920 Franklin St	NLR, AR		72114	Ballot missing		
	1000	Brittany	Stewart		93 Wood Run	Sanford, NC		27332	No voter ID		
	1000	HUGHIE	STEWART		6524 TULIP RD	LITTLE ROCK	AR	72209	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	JOHN	STODOLA		1253 N GARDNER ST	HOLLYWOOD	CA	90046	OTHER		
	1000	Dorothy G	Stokes		P.O. Box 3022	Little Rock, AR		72203	Ballot missing		
	1000	William E	Stone		13700 David O Dood Rd	Little Rock, AR		72210	No application attached		
	1000	Jaron	Storay		3717 Vacluse Dr Apt 250	Euless	TX	76040	No Designated Bearer info on Voter Statement		
	1000	Jaron	Storay		3717 Vacluse Dr Apt 250	Euless	TX	76040	No Designated Bearer info on Voter Statement		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Jacalyn L	Stover		1401 Labelle Dr, Apt 310	Little Rock, AR		72204	Address on app & statement doesn't match		
	1000	Eli	Straw		8511 Callegnan RD	Little Rock	AR	72210	Voter identification documents missing/Voter Statement Missing		
	1000	Eli	Straw		8511 Callegnan RD	Little Rock		72210	Voter identification documents missing/Voter Statement Missing		
	1000	Richard T	Strickland		89 Pebble Beach Dr	Little Rock		72212	no ID, statement missing		
	1000	Nelda R	Strickland		412 Wisteria	North Little Rock		72118	addresses don't match		
	1000	Karen	Stromberg		9624 Meadow Creek DR	Sherwood	AR	72120	Voter Statement Missing		
	1000	Karen	Stromberg		9624 Meadow Creek DR	Sherwood		72120	Voter Statement Missing		
	1000	Irene	Strong		2024 Abigail st	Little Rock	AR		voter id docs missing		
	1000	Marshall	Sutterfield		2236 nw 10th st suite 122	Oaklahoma City	OK		signature does not match		
	1000	Eric L	Suttles		9025 Tanya, Apt A	Little Rock		72204	DOB don't match		
	1000	Brent A	Swart		5 Fox Chapel Ct	Little Rock		72212	signature doesn't match		
	1000	Kathy B	Sweeney		50 Rosemoor Dr	Little Rock		72209	statement missing		
	1000	Trenten L	Swinton		4853 Cordell Ave, #620	Bethesda, MD		20814	no ID		
	1000	SUSAN	TABOR		5201 FAIRWAY AVE #30	NORTH LITTLE ROCK		72116	NO SIGNATURE INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	MADELINE	TABOR		1715 BEECHWOOD	LITTLE ROCK		72207			
	1000	Kurt B	Tarpley		1515 W. Morse Ave, Apt. 417	Chicago, IL		60626	No voter statement		
	1000	Renis	Tart SR		5818 Timberside RD	Little Rock	AR	72204	Voter Identification Documents missing		
	1000	Renis	Tart SR		5818 Timberside RD	Little Rock		72204	Voter Identification Documents missing		
	1000	Christopher L	Tatum		4 Lakewood Ln	Pine Bluff		71603	info on app and statement don't match		
	1000	Kathryne L	Taylor		4206 N Locust St, Apt E	NLR, AR		72116	Voter statement missing		
	1000	Sandra K	Taylor		1415 Victoria Ln	Little Rock		72223	zip code doesn't match		
	1000	Vivian A	Taylor		7 Bonnard Cove	Maumelle		72113	no DOB		

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ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	Brenda K	Tedder		10434 W 36th St, Apt 23B	Little Rock, AR	AR	72204	DOB doesn't match on application & statement		
	1000	CAROLINE	TEMPLETON		13500 ABINGER DR	LITTLE ROCK	AR	72212	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	ELLEN	TEMPLETON		13500 ABINGER DR	LITTLE ROCK	AR	72212	VOTER ID DOCUMENTS MISSING; INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	MARY JO	TEW		8113 BEECHFIELD DR	NORTH LITTLE ROCK	AR	72116	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	HOAN	THI MAI		2811 FAIR PARK BLVD APT K202	LITTLE ROCK	AR	72204	VOTER IDENTIFICATION DOCUMENTS MISSING/INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Abigale	Thomas		5 Oxeye LN	Little Rock	AR	72211	Information on Application and Voter Statement does not match / Last Name does not match		
	1000	John	Thomas		4054 Student Center, John Brown University, 2000 W University St	Siloam Springs	AR	72761	Voter Statement missing		
	1000	Christine	Thomas		2205 N Berkley Dr	North Little Rock	AR	72118	Voter ID documents missing Voter statement missing Signatures do not match		
	1000	Abigale	Thomas		5 Oxeye LN	Little Rock	AR	72211	Information on Application and Voter Statement does not match / Last Name does not match		
	1000	JUSTIN	THOMAS		122 ILLINOIS BAYOU DR	SHERWOOD	AR	72120	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	LORETTA	THOMAS		304 S LONGFIELD AVE	SHERWOOD	AR	72120	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		

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	1000	MICHAEL	THOMAS		26 LAKESHORE DR	LITTLE ROCK	AR	72204	OTHER; NO BALLOT		
	1000	CLOE	THOMAS		26 LAKESHORE DR	LITTLE ROCK	AR	72204	OTHER; NO BALLOT		
	1000	LINDSEY	THOMAS JR		2963 MAELSTROM CIR	SHERWOOD	AR	72120	addresses don't match		
	1000	Henry D	Thomason		125 Hamilton Rd	Sherwood, AR	AR	72120	DOB missing on application		
	1000	Dale	Thompson		1924 E Lee Ave	Sherwood, AR	AR	72120	No. DOB on application		
	1000	Carol Sue	Thompson		1924 E Lee Ave	Sherwood, AR	AR	72120	voted in person, no absentee ballot included		
	1000	Maxine L	Thompson		7018 S Hwy 161, Lot 2	Jacksonville	AR	72076	Question signature		
	1000	Linda	Tinnon		6 Blackthorn St	Little Rock	AR	72223	Question signature		
	1000	Ronald	Todd		2401 John Ashley Drive	North Little Rock	AR	72114	DOB doesn't match on application & statement		
	1000	Ronald	Todd		2401 John Ashley Drive	North Little Rock	AR	72114	DOB doesn't match on application & statement		
	1000	Anna P	Tomosieski		3 Desoto Cir	NLR, AR	AR	72116	Address on app & statement doesn't match		
	1000	Thomas A	Townsend		12917 Malt Ln	Little Rock, AR	AR	72206	Address on app & statement doesn't match		
	1000	Virginia M	Townsend		7310 Gable Dr	Little Rock	AR	72205	birth dates don't match		
	1000	T Leann G	Travis		1164 Walkers Corner	Scott	AR	72142	no ID, DOB wrong		
	1000	BLAKE	TRAVIS		1164 WALKERS CORNER RD	SCOTT	AR	72142	OTHER REASON/NAME DOESN'T MATCH		
	1000	Maria	Trias		8 Daniel Dr	Sherwood, AR	AR	72120	No DOB on application		
	1000	Isaiah	Trickey		3 Holbrooke Ave	Etobicoke, Ontario M8Y 3B1 Canada	AR	72223	ID missing & statement missing		
	1000	Cora	Tripet		18 Chalamont Ct	Little Rock	AR	72223	DOB on Application incorrect		
	1000	Vickie N	Trogden		10427 Farris Ave	Sherwood, AR	AR	72120	ID missing (switched w/ wife's ID)		
	1000	Laundon	Tucker		4200 Silver Creek Dr	Sherwood	AR	72120	2 different addresses		
	1000	Roy D	Tucker		8700 Riley Dr, Apt 221	Little Rock, AR	AR	72205	Zip codes on app & statement don't match.		
	1000	Linda	Tullos		245 Indian Bay Dr	Sherwood	AR	72120	Opt signature missing, Application and Statement DOB do not match		

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1000	Amanda	Tullos		5832 South Galvez	New Orleans	LA	72223	information on application and voter statement does not match		
1000	Norma	Turbeville		81 Quercus CIR	Little Rock	AR	72203	NO ID /Zip Codes do not match		
1000	Norma	Turbeville		81 Quercus CIR	Little Rock	AR	72203	NO ID /Zip Codes do not match		
1000	Bobbie	Turner		15 Brookhaven Dr	Little Rock	AR	72205	Voter voted in person		
1000	Ronna	Tyler		1401 Labelle Dr Apt 216	Little Rock	AR	72204	Voter ID documents missing		
1000	Sylvia M	Tyler		1922 S Battery St.	Little Rock, AR	AR	72202	Voter statement missing		
								Signitures don't match		
								All contents got switched with husband's. All her info in his envelope.		
1000	Charlotte C	Tyler		2601 Romine Rd	Little Rock, AR	AR	72204	All contents got switched with wife's. All his info in her envelope.		
1000	Robert E	Tyler, Sr		2601 Romine Rd	Little Rock, AR	AR	72204	All contents got switched with wife's. All his info in her envelope.		
1000	ADY	UC-LOPEZ		37 MOHAVE ST	SHERWOOD	AR	72120	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
1000	JOAN	UTH		7801 KANIS RD	LITTLE ROCK		72204	VOTER IDENTIFICATION DOCUMENTS MISSING		
1000	JERRY	VADEN		13600 NAPOLEON RD	LITTLE ROCK		72211	VOTER IDENTIFICATION DOCUMENTS MISSING		
1000	Jane	Vail		5901 JFK BLVD APT4208	North Little Rock	AR	72116	Two Signatures		
1000	Jane	Vail		5901 JFK BLVD APT4208	North Little Rock		72116	Two Signatures		
								MATERIALS OR INFORMATION MISSING (NO DATE OF BIRTH ON APPLICATION)		
1000	PAUL	VALENTIN		9425 MILLERS POINTE CV	SHERWOOD	AR	72120	Signitures mismatch		
1000	James H	Vanburen		2401 John Ashley Dr	NLR, AR		72114			
1000	GLORIA	VANCE		4 RHINEHART APT 307	LITTLE ROCK	AR	72205	VOTER ID DOCUMENTS MISSING		
1000	Catherine	Vance		700 W. M Ave apt 4	NLR	AR		other 3 addresses didn't match		
1000	VERGIE	VANDERGRIFF		22 CONNIEWOOD DR	LITTLE ROCK		72206	VOTER STATEMENT MISSING		

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	1000	Dian	Van-Ness		207 Diamond Pointe DR	Maumelle	AR	72113	Address of Bearer Missing on Statement		
	1000	Dian	Van-Ness		207 Diamond Pointe DR	Maumelle	AR	72113	Address of Bearer Missing on Statement		
	1000	LUKE	VANOVER		218 BUCKLAND CIR	LITTLE ROCK	AR	72223	REASON:NO ADDRESS		
	1000	Kottayil I	Varughese		42 Ranch Ridge Rd	Little Rock	AR	72223	DOB doesn't match		
	1000	ELIZABETH E	VARUGHES		42 RANCH RIDGE RD	LITTLE ROCK	AR	72223	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Judy K	Veregge		245 Indian Bay Dr	Sherwood, AR	AR	72120	Incomplete voter statement		
	1000	MONICA	VERMA		2 LA SCALA CT	LITTLE ROCK	AR	72212	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Jose	Villegas		136 Marsaille Dr	Maumelle	AR	72113	Id missing and conflicting data on statement and application		
	1000	James A	Vines		4209 Kenyon	Little Rock	AR	72205	no ID, statement missing		
	1000	Wava L	Volk		117 Englewood	Cammack Village	AR	72207	no ID, signature missing		
	1000	Timothy S	Wade		6504 Rolling Hills Dr	NLR, AR	AR	72118	Wrong DOB on statement		
	1000	IONA	WAGNER		5709 DIVISION	N. LITTLE ROCK	AR	72118	OTHER; DATE OF BIRTH MISSING FROM APPLICATION		
	1000	Robert	Waits		14822 Royal Oaks Dr	Little Rock	AR	72210	Red sheet has different DOB		
	1000	Jonathan	Waldrip		4 Desoto Cir	North Little Rock	AR	72116	Information on Application and Statement do not match		
	1000	Mary	Walker		519 Donovan Briley	North Little Rock	AR	72118	Voter Identification documents missing		
	1000	Sandra	Walker		3100 Martineau Pl	North Little Rock	AR	72116	Materials are all inside ballot envelope		
	1000	Shalonda A	Walker		PO Box 233	Woodson, AR	AR	72180	Info (address) on app & statement don't match		
	1000	Curtis C	Walker		6 Platte Ct	Maumelle	AR	72113	signatures don't match		
	1000	Mary	Walker		519 Donovan Briley	North Little Rock	AR	72118	Voter Identification documents missing		
	1000	Mary	Wallace		2811 Breckenridge dr	Little Rock	AR				
	1000	Joshua	Ward		13703 Saint Michael Dr	Little Rock	AR	72211	No DB info on voter statement		

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	1000	Trina	Ware		1619 McCain Blvd	North Little Rock	AR	72116	Information on statement on application do not match		
	1000	MARK	WASHBURN		19 CHICOT DR	MAUMELLE	AR	72113	DATE OF BIRTH MISSING FROM APPLICATION		
	1000	Thomas	Washington		415 W 53rd St	North Little Rock	AR	72118	Voter statement missing		
	1000	Thomas	Washington		2401 John Ashley	North Little Rock		72114	no ID, info on app and statement don't match		
	1000	Sankari L	Washington		12500 Merit Dr #5206	Dallas TX		75251	zip codes don't match		
	1000	Janelle	Washington		8801 Longacre Dr	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	Janelle	Washington		8801 Longacre Dr	Little Rock	AR	72205	No Designated Bearer info on Voter Statement		
	1000	Chloe G	Watkins		27 Bellegarde Dr	Little Rock		72223	no signature on application		
	1000	VALERIE	WATSON		100 AUDUBON DR APT 902	MAUMELLE	AR	72113	DATE OF BIRTH MISSING FROM APPLICATION		
	1000	Margaret	Watts		109 Cottonwood AVE	Sherwood	AR	72120	Voter Identification Documents missing/Voter Statement missing		
	1000	Margaret	Watts		109 Cottonwood AVE	Sherwood		72120	Voter Identification Documents missing/Voter Statement missing		
	1000	Gwendolyn	Wayne		PO Box 24068	Little Rock	AR	72221	No Designated Bearer info on Voter Statement		
	1000	Gwendolyn	Wayne		PO Box 24068	Little Rock	AR	72221	No Designated Bearer info on Voter Statement		
	1000	ANDREW	WEHDE		333 CAMBRIDGE PLACE DR	LITTLE ROCK		72227	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Sharon K	Weinsinger		22 Mountain Terrace Cir	Maumelle, AR		72113	Missing signature on statement		
	1000	DENNIS	WELCH		5 ALSACE COURT	LITTLE ROCK		72223	OTHER REASON/ SIGNATURE DOESN'T MATCH		
	1000	Zachery	Wellman		52 Kingspark Rd	Little Rock, AR		72227	No application attached		
	1000	Andrea A	West		2501 Riverfront Dr, #A303	Little Rock		72202	DOB doesn't match		
	1000	Beth	White		4021 Glenmere Rd	North Little Rock	AR	72116	Statement not signed		
	1000	Charlene G	White		10200 Richsmith Ln, Apt 316	Mabelvale, AR		72103	Missing signature on statement		

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	1000	REBECCA	WHITT		36 MASTERS PLACE DR	MAUMELLE	AR	72113	REASON: INFO INSIDE BALLOT ENVELOPE		
	1000	DAVID	WHITTLE		6700 KELLY RD	N. LITTLE ROCK	AR	72118	INFORMATION ON APPLICATION AND VOTER STATEMENT DOES NOT MATCH		
	1000	Bobbie J	Wilburd		5 Vassar Cir	Little Rock, AR	AR	72204	ID missing & statement missing		
	1000	TOMMY	WILBURN		1 KERIEN LANE	LITTLE ROCK	AR	72223	VOTER IDENTIFICATION DOCUMENTS MISSING/NO DATE OF BIRTH		
	1000	Walter	Wilkinson		1211 S. Cross St	Little Rock	AR	72202	No Designated Bearer info on Voter Statement		
	1000	Walter	Wilkinson		1211 S. Cross St	Little Rock	AR	72202	No Designated Bearer info on Voter Statement		
	1000	Freddie	Wilks		5901 Burnside Dr	Little Rock	AR	72206	Problems with designated Bearer		
	1000	Charlotte	Williams		40 Robinson Nursing and Rehab 519	North Little Rock	AR	72212	Voter id missing, address doesn't match between statement and application		
	1000	Jason	Williams		7111 Northlake Dr	Jacksonville	AR	72076	Addresses and id don't match		
	1000	Cherita	Williams		9901 Brockington Rd Apt D21	Sherwood	AR	72120	Materials or info missing - ZIP code missing on application		
?	1000	Linda D A	Williams		1722 Wagon Wheel Dr	Little Rock, AR	AR	72211	Signature mismatch	Diff DOB and Address from VR	
	1000	Ann N	Williams		12 River Oaks Cr	Little Rock	AR	72207	DOB doesn't match		
	1000	ANDRALENE	WILLIAMS		7601 ASCENSION RD	LITTLE ROCK	AR	72204	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	MARGIE	WILLIAMS		11315 ALICE CV	CABOT	AR	72023	VOTE STATEMENT MISSING		
	1000	STEPHANIE	WILLIAMS		516 BURNTWOOD CT	SHERWOOD	AR	72120	DATE OF BIRTH MISSING FROM APPLICATION		
	1000	Yvonne	Williams		504 Ellen Dr.	NLR	AR		voter ID missing, voter statement missing		
	1000	Glenda	Williams		140 Cherokee Dr.	Maumelle	AR	72113	No Designated Bearer info on Voter Statement		
	1000	Glenda	Williams		140 Cherokee Dr.	Maumelle	AR	72113	No Designated Bearer info on Voter Statement		
	1000	Denis	Williford		800 Brookside DR	Little Rock	AR	72205	Voter Statement Missing		

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	1000	Denis	Williford		800 Brookside DR	Little Rock	AR	72205	Voter Statement Missing		
	1000	Barbara	Wilson		7300 Deer Meadows CT	Sherwood	AR	72120	Information on Application and Voter Statement does not match /DOB missing on Application		
	1000	Candice	Wilson		10557 Bermuda Isle Dr	Tampa, FL	FL	33647	3 different addresses		
	1000	Derek	Wilson		10557 Bermuda Isle Dr	Tampa, FL	FL	33647	3 different addresses		
	1000	Woodrow	Wilson		P.O. Box 471	Sweet Home	AR	72164	Bearer--was mailed in, zip codes don't match		
	1000	Barbara	Wilson		7300 Deer Meadows CT	Sherwood	AR	72120	Information on Application and Voter Statement does not match		
	1000	NELLIE	WILSON		1501 RAHLING RD APT 301	LITTLE ROCK	AR	72223	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Lydia	Wilson		14318 Bradley	Maumelle	AR		dob on application		
	1000	LATESA	WINFREY		103 ALIZA DR	LITTLE ROCK	AR	72210	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Charlie F	Wingate		10711 Hwy 5	Cabot	AR	72023	DOB not on application		
	1000	Julia A	Wingfield		4536 Dawson Rd	North Little Rock	AR	72116	info on app and statement don't match		
	1000	Dennis L	Wingfield		4536 Dawson Rd	North Little Rock	AR	72116	names do not match		
	1000	Jasmine A	Wingo		13 Pine Cv	Little Rock	AR	72204	No Designated Bearer info on Voter Statement		
	1000	Jasmine A	Wingo		13 Pine Cv	Little Rock	AR	72204	No Designated Bearer info on Voter Statement		
	1000	MONICA	WISE		200 MILLWOOD CIR, APT 133	MAUMELLE	AR	72113	INFORMATION ON APP AND VOTER STATEMENT DOES NOT MATCH		
	1000	Sharon	Withers		10202 Ronald Dr	Little Rock	AR	72205	Voter ID documents missing		
	1000	Catherine H	Wnukoski		4415 E 46th St, Apt. 18	NLR, AR	AR	72117	Voter statement missing		
	1000	Roger L	Wolf		4134 Maddox Rd	Jacksonville, AR	AR	72076	ID missing		
	1000	John	Wolfe		901 Fremont St Apt504	Las Vegas, NV	NV	89101	Missing signature on statement		
	1000	John	Wolfe		901 Fremont St Apt504	Las Vegas, NV	NV	89101	Signatures don't seem to match		

EC Initials

*NR-Not Registered/*AD-Registered after Deadline/*WP-Wrong Poll
 *AB-Voted Absentee/*EV-Voted Early/*F-Felony/*OR-Other Reason

ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	KATHY	WOLFE		4134 MADDOX RD	JACKSONVILLE	AR	72076	VOTER IDENTIFICATION DOCUMENTS MISSING/OTHER REASON		
	1000	BARBARA	WOMACK		2600 W PERSHING BLVD APT 47	N. LITTLE ROCK	AR	72114	VOTER ID DOCUMENTS MISSING; VOTER STATEMENT MISSING		
	1000	Denise	Wood		5 Greeson CV	Maumelle	AR	72113	Missing Signature		
	1000	Joyce	Wood		801 Tuscany Circle	Maumelle	AR	72113	Voter identification documents missing / Voter Statement Missing		
	1000	Julie	Wood		18018 Waterview Meadow CT	Roland	AR	72135	Two Different DOBs		
	1000	Denise	Wood		5 Greeson CV	Maumelle	AR	72113	Missing Signature		
	1000	Joyce	Wood		801 Tuscany Circle	Maumelle	AR	72113	Voter identification documents missing / Voter Statement Missing		
	1000	Julie	Wood		18018 Waterview Meadow CT	Roland	AR	72135	Two Different DOBs		
	1000	DESSIE	WOODS		2301 DIVISION ST. APT 422	NORTH LITTLE ROCK	AR	72114	VOTER IDENTIFICATION DOCUMENTS MISSING/VOTER STATEMENT MISSING		
	1000	Nellie	Woolfork		3406 Willow St	North Little Rock	AR	72118	No Designated Bearer info on Voter Statement		
	1000	Nellie	Woolfork		3406 Willow St	North Little Rock	AR	72118	No Designated Bearer info on Voter Statement		
	1000	JARRAD	WOOTEN		7325 RIVER POINTE DR	NORTH LITTLE ROCK	AR	72113	VOTER IDENTIFICATION DOCUMENTS MISSING		
	1000	Vivian G	Word		8700 Riley Dr, Apt 323	Little Rock, AR	AR	72205	ID missing & statement missing		
	1000	Brandi M	Wray		770 N Chicot, #E202	Little Rock	AR	72209	DOB doesn't match		
	1000	Mary	Wright		5906 W Republican Rd	Jacksonville	AR	72076	Voter statement not signed Materials or info missing signature		
	1000	Raymond	Wright		5906 W Republican	Jacksonville	AR	72076	signature on statement missing		
	1000	KATREECE	WRIGHT		6004 REVEILLE CT	JACKSONVILLE	AR	72076	REASON:ADDRESS OF BEARER OMITTED		
	1000	JOSEPH	WRIGHT		41 ACCADIA CT	LITTLE ROCK	AR	72223	INCOMPLETE VOTER STATEMENT		

EC Initials

*NR-Not Registered/*AD-Registered after Deadline/*WP-Wrong Poll
*AB-Voted Absentee/*EV-Voted Early/*F-Felony/*OR-Other Reason

ID	Prec Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
	1000	John	Wright III		6004 Reveille Ct	Jacksonville	AR	72076	Missing address on statement		
	1000	Catherine	Wyckoff		6411 Valley Ranch Dr	Little Rock	AR	72223	No DOB , id missing, statement missing, conflicting information		
	1000	Paul D	Wylie		4801 North Hills Blvd, #601	North Little Rock		72116	application incomplete		
	1000	MELBA	YANCEY		2701 ALDRSGATE RD APT 320	LITTLE ROCK		72205	OTHER REASON:FAILED TO SIGN VOTER STATEMENT.		
	1000	EDDIE	YANCY		1519 S PUJASKI ST	LITTLE ROCK	AR	72202	OTHER		
	1000	Lonnie R	Yarberry		13621 Heinke	Mablevale		72103	no ID		
	1000	Jacqueline	Yelverton		14009 Quail Run Dr	Little Rock, AR		72210	ID missing & statement missing		
									Info on application and voter statement does not match - address		
	1000	Thomas	Yeung		13618 Saddle Hill Dr	Little Rock		72212	Voter used current address on voter statement UOCAVA		
	1000	Richard	Yielding		27325 Nichols Loop Rd	Little Rock	AR	72223	Voter ID/documents missing		
	1000	Bonnie	Yother		11 Cedaridge dr	Jacksonville	AR		Voter statement missing		
					7220 Indiana Ave Apt B				blank voter statement		
	1000	Stephanie	Young			Little Rock		72207	Bearer/voter address different		
	1000	Cynthia L	Young		16924 Colonel Glenn	Little Rock		72210	statement missing		
	1000	Novenia	Young		2601 Pershing Cr, #211	North Little Rock		72114	no ID		
	1000	Virgil	Young Jr		904 Valley Creek Rd	North Little Rock	AR	72116	Signature doesn't match		
	1000	Wojciech	Zawada		2501 Aldersgate Rd Room 302	Little Rock	AR	72205	ID and Statement Missing		
									Voter Identification Documents missing/Information on Application and Voter Statement does not match		
	1000	Laura			5713 Chandler ST	North Little Rock	AR	72118			
	1000										

*NR-Not Registered/*AD-Registered after Deadline/*WP-Wrong Poll
 *AB-Voted Absentee/*EV-Voted Early/*F-Felony/*OR-Other Reason

EC Initials

Prec	ID	Voted	First Name	Last Name	DOB	Current Address	City	State	Zip	Explanation for Disqualification	Explanatory Text	Notice Mailed
			Laura			5713 Chandler ST	North Little Rock		72118	Voter Identification Documents missing/Information on Application and Voter Statement does not match		
		1000								NO APP		
		1000								NO APP		
		1000								NO APP		

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*NR-Not Registered/*AD-Registered after Deadline/*WP-Wrong Poll
 *AB-Voted Absentee/*EV-Voted Early/*F-Felony/*OR-Other Reason

EC Initials

Exhibit 14

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DOCKET NO. SBEC 2020-052

STAFF REPORT

February 22, 2021

The Parties and Allegations

Mr. Ronald G. Mitchell, of Malvern Arkansas, Hot Spring County, filed his complaint on December 15, 2020, regarding his absentee voting experience for the November 3, 2020 General Election.

Complainant alleges that he timely submitted his absentee ballot. He claims he properly completed and signed the absentee ballot application, and that he properly completed and signed his absentee ballot voter statement. He alleges that he received a letter, postmarked November 4, 2020, that his signatures did not match.

Complainant alleges that upon receipt of the notice letter, he contacted the Clerk to verify that the ballot was indeed his ballot and that he submitted it to be counted. He stated that he suffers from rheumatoid arthritis and tremors, and that his writing varies depending on his medication. He claims that he received a notice from the Clerk that the Commission meets the day after the election to go over ballots, and that their decision is final. He alleges he inquired about an appeal process and requested the names of the commissioners. He claims, to date, he received no response to this last request. Ultimately, he understands that his votes will make no difference in any race, but he believes “[i]t is a terrible way to run an election when a voter is given no opportunity to correct a ballot or signature issue, especially when the voter is not notified until after the election and a final decision has been made.”

Compliance with Requirements for Form and Timeliness

Form and Timeliness

For the Board to consider a complaint, it must be in writing, signed, and sworn by the Complainant under penalty of perjury. Ark. Code Ann. § 7-4-120(b). The initial issue is whether the complaint is timely under

statutorily imposed limitations. Ark. Code Ann. § 7-4-120(b)(1)(A)-(B) requires,

“A complaint shall be filed with the State Board of Election Commissioners in writing within thirty (30) days of:

...

(B) the election associated with the complaint....”

A complaint that fails to meet these requirements; “shall be dismissed.” *Id.* at (4)(A). Here, the complaint is filed more than thirty (30) days after the November 3, 2020 General Election.

The Complainant signed this complaint on December 8, 2020 under penalty of perjury and it was received by the SBEC on December 15, 2020. In order for the Board to consider a complaint, it must be in writing, signed, and sworn by the Complainant under penalty of perjury. The complaint must be filed within 30 days of the election associated with the complaint. See, A.C.A. §7-4-120(b). A complaint that fails to meet these requirements; “shall be dismissed.” *Id.* Because this complaint was filed 42 days after to the general election, it has not satisfied the requirement that the complaint be filed within 30 days of the election to which it relates. A.C.A. §7-4-120(b)(1). Consequently, this complaint has failed to satisfy the mandatory time requirement for the consideration of a complaint to the SBEC and, therefore, must be dismissed. A.C.A. §7-4-120(b)(4)(A).

Consequently, this complaint has failed to satisfy the mandatory time requirement for the consideration of a complaint to the SBEC and, therefore, must be dismissed. Ark. Code Ann. §7-4-120(b)(4)(A).

Staff recommends Dismissal of this Complaint. Staff further recommends that the complaint be forwarded to the Hot Spring County Election Commission to ensure they are aware of the issues raised.

REPRODUCTION OF STATUTES

7-4-120. Complaints of election law violations - Definitions.
(Reproduced in Part)

(b)

- (1) A complaint shall be filed with the State Board of Election Commissioners in writing within thirty (30) days of:
 - (A) An alleged violation of the voter registration laws; or
 - (B) The election associated with the complaint;
- (2) A complaint shall be signed by the complainant under penalty of perjury.
- (3) (A) A complaint shall clearly:
 - (i) Describe the alleged violation, including without limitation the supporting facts for the violation;
 - (ii) State when the alleged violation occurred; and
 - (iii) State the location of the alleged violation.(B)
 - (i) The complaint may specify a desired resolution to the complaint.
 - (ii) If the complaint is timely filed but does not specify the desired resolution of the complainant:
 - (a) The State Board of Election Commissioners shall notify the complainant that a desired resolution is not specified; and
 - (b) The complainant may file the additional information within ten (10) days from mailing of the notice.
- (4) (A) If a complaint does not meet the requirements of this section, the complaint shall be dismissed.

(B) If a complaint is dismissed because it does not meet the requirements of this section, the State Board of Election Commissioners shall notify the complainant of the fact of dismissal.

Complainant's Desired Resolution

Complainant states, “[i]t is a terrible way to run an election when a voter is given no opportunity to correct a ballot or signature issue, especially when the voter is not notified until after the election and a final decision has been made.”

SBEC Options

1. The Board can determine that the complaint may be disposed of through documentary submissions under A.C.A. §7-4-120(d)(1).
2. The Board may refer the complaint to the proper authority. See SBEC Rules of Procedure for Citizen Complaints §604.
3. The Board can determine that an investigation is necessary in accordance with A.C.A. §7-4-120(d)(2).
4. If after investigation, the Board finds that probable cause exists for finding a violation of an election law, the board may determine that:
 - a. an offer of settlement be issued imposing a fine (\$25-\$1,000) for any violation of Title 7, Chapter 4, subchapter 1 of the Arkansas Code under A.C.A. §7-4-120(e);
 - b. an offer of settlement be issued for a public letter of caution, warning or reprimand under A.C.A. §7-4-120(e);
 - c. a letter of instruction be issued regarding compliance with the election laws in future elections. See SBEC Rules of Procedure for Citizen Complaints §605; or
 - d. subject to the rejection of the offer of settlement, a full public hearing be held under A.C.A. §7-4-120(b)(6)(C).
5. If the Board determines that an allegation, if true, does not allege the violation of an election or voter registration law under the jurisdiction of the SBEC, the board must dismiss that allegation.

Exhibit 15

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STATE BOARD OF ELECTION COMMISSIONERS
OFFICIAL COMPLAINT FORM

SBEC 2020-052

Name: Ronald G. Mitchell
Address: 609 W. Highland Avenue
Malvern, AR 72104
County: Hot Spring
Day Phone: 501-258-5373
Email: shari_rogers@att.net
Election/Date: November 3, 2020

A complaint must be filed with the board in writing within thirty (30) days of an alleged voter registration violation or the election associated with the complaint. Arkansas Code Annotated § 7-4-120

Please begin the details of the complaint below and attach additional pages if needed. Be specific as to the nature of the alleged election irregularities or illegalities, indicate when and where the allegations occurred, provide supporting facts surrounding the allegations, and state your desired resolution.

I voted in the November 3, 2020 general election by absentee ballot. I tracked my ballot online and it showed it was received and accepted. By letter postmarked November 4, 2020, I received a letter from Sandy Boyette, Hot Spring County Clerk, that my ballot did not count because the signatures do not match. (Along with the absentee ballot I filled out and mailed back, I included a copy of my Arkansas driver license. I am assuming these are the signatures that are referenced in the letter.) I contacted Ms. Boyette by email and facsimile advising her that those were, in fact, my signatures, that I have rheumatoid arthritis and tremors, and that my writing varies depending on whether I have had my medication. I received an email back from Ms. Boyette on November 12, 2020 in which she stated that she would try to get it resolved. When I didn't hear back from her, I emailed her on November 16, 2020 asking if the matter had been resolved and, if so, the outcome. I received a reply that day advising that the commissioners "go over those ballots the day after election. Their decision was final." I replied by email to her that same day asking about an appeal process and for the names of the commissioners who reviewed and rejected my ballot. To date, I have received no response. I have attached copies of my communications with Ms. Boyette for your reference. I understand that my vote will make no difference in the outcome of the several races in which I voted, but it is very important to me that it be counted, regardless. It is a terrible way to run an election when a voter is given no opportunity to correct a ballot or signature issue, especially when the voter is not notified until after the election and a final decision has been made.

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AFFIRMATION

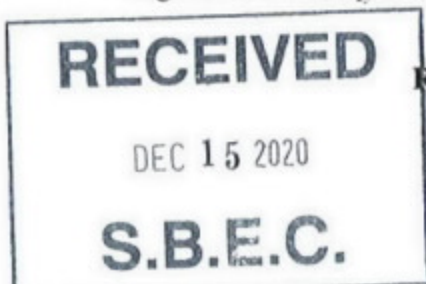
The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief, under penalty of perjury.

Ronald G. Mitchell

Signature of Complainant

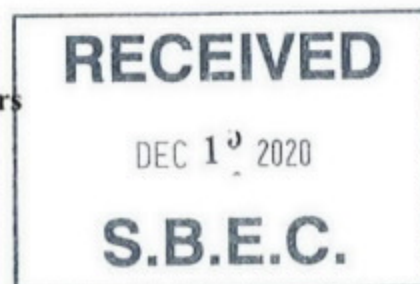
12/08/2020

Date



Remit to: State Board of Election Commissioners

501 Woodlane, Suite 122 South
Little Rock, AR 72201
501-682-1834 / 800-411-6996



HOT SPRING COUNTY CLERK

SANDY BOYETTE



In reference to the Absentee Ballot you voted in the 2020 General Election. The ballot did not count for the following reason:

You did not include a copy of your photo ID.

You did not complete the voter statement form.

Other reason Signatures do not match

Sandy Boyette

Sandy Boyette, Hot Spring County Clerk

RECEIVED

DEC 15 2020

S.B.E.C.

12/8/2020

(1 unread) - pricelawfirm@att.net - AT&T Yahoo Mail - Fwd: Absentee ballot

From: Shari Rogers <speedbump19@att.net>
Date: November 10, 2020 at 7:25:32 AM CST
To: sboyette@hotspringcounty.org
Subject: Absentee ballot

Ms. Boyette, I received a letter from you yesterday stating that my absentee ballot for the 2020 general election did not count because the "signatures do not match." What do I need to do to get this corrected and make sure my vote counts? I assure you that those are my signatures. My signature varies because I have rheumatoid arthritis and some days can hardly hold a pen. I also have tremors for which I take medication, and my writing varies depending on whether or not I have had my medication. I very much want my vote to count and I look forward to hearing from you.

Ronald G. Mitchell

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FAX COVER SHEET

DATE: 11/11/2020

FAX NUMBER: (501) 332-2221

TO: SANDY BOYETTE

FROM: RONALD G. MITCHELL

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 1

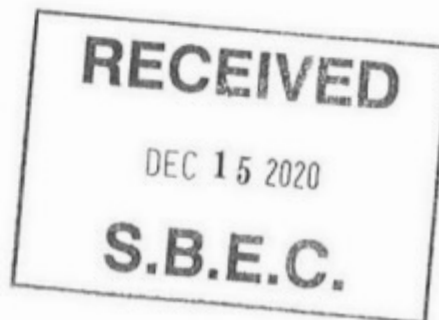
IF YOU DO NOT RECEIVE ALL THE PAGES, CALL: SHARI / 501-765-3175

MESSAGE: MS. BOYETTE, I RECEIVED A LETTER FROM YOU STATING THAT MY ABSENTEE BALLOTT FOR THE 2020 GENERAL ELECTION DID NOT COUNT BECAUSE "SIGNATURES DO NOT MATCH." I EMAILED YOU YESTERDAY CONFIRMING THAT THOSE ARE MY SIGNATURES, AND ASKING WHAT I NEED TO DO TO GET IT CORRECTED SO THAT MY VOTE WILL COUNT. I DIDN'T HEAR BACK FROM YOU, SO I THOUGHT I WOULD FOLLOW UP WITH THIS FAX. AS I STATED IN MY EMAIL, I HAVE RHEUMATOID ARTHRITIS AND SOME DAYS CAN BARELY HOLD A PEN. I ALSO HAVE TREMORS FOR WHICH I TAKE MEDICATION, AND MY WRITING VARIES DEPENDING ON WHETHER OR NOT I HAVE HAD MY MEDS. PLEASE FEEL FREE TO CALL ME AT (501) 258-5373, OR EMAIL ME AT speedbump19@att.net.

THANKS.

RONALD G. MITCHELL

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TRANSMISSION VERIFICATION REPORT

TIME : 11/11/2020 08:49
NAME :
FAX :
TEL :
SER.# : U63274C5J911903

DATE, TIME	11/11 08:49
FAX NO./NAME	15013322221
DURATION	00:00:20
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

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From: Shari Rogers <speedbump19@att.net>
Date: November 16, 2020 at 9:46:51 AM CST
To: Sandy Boyette <sboyette@hotspringcounty.org>
Subject: Re: absentee ballot

I am just following up to see if this matter has been resolved, and if so, the outcome.

Thanks.

Ronald G. Mitchell

On Nov 12, 2020, at 8:14 AM, Sandy Boyette <sboyette@hotspringcounty.org> wrote:

Mr. Mitchell, thank you for bringing this to my attention, I will definitely give this to my commissioners this morning and I will try to get this resolved. Sincerely, Sandy Boyette

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On Nov 16, 2020, at 1:35 PM, Sandy Boyette <sboyette@hotspringcounty.org> wrote:

Mr. Mitchell, I spoke to the commissioners about this and they said they always go over those ballots the day after election. Their decision was final. Thank you, Sandy Boyette

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From: Shari Rogers <speedbump19@att.net>
Date: November 16, 2020 at 1:45:15 PM CST
To: Sandy Boyette <sboyette@hotspringcounty.org>
Subject: Re: absentee ballot

Also, I guess I need to get the names of the commissioners who reviewed and rejected my ballot.

Thanks again.

Ronald G. Mitchell

On Nov 16, 2020, at 1:41 PM, Shari Rogers <speedbump19@att.net> wrote:

So to whom can I make an appeal? There must be some way to make this right. Do I need to lodge some kind of formal complaint with the Secretary of State to get the ball rolling?

Thanks.

Ronald G. Mitchell

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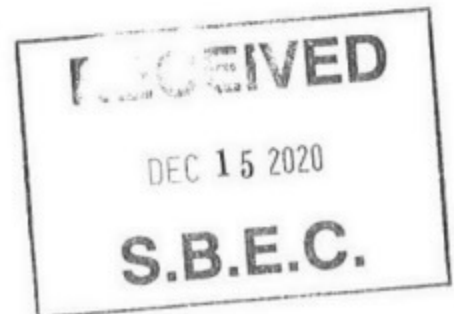


Exhibit 16

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2022 County Board of Election Commissioners' Training



STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane, Suite 122 South

Little Rock, Arkansas 72201

(501) 682-1834 or (800) 411-6996

www.sos.arkansas.gov/sbec

info.sbec@arkansas.gov

CANVASSING AND COUNTING

CANVASSING, COUNTING & UNOFFICIAL RESULTS

EARLY AND ABSENTEE BALLOTS

PROCESSING PROVISIONAL BALLOTS

PROCESSING ABSENTEE BALLOTS

RECOUNTS

FINAL CERTIFICATION

ELECTION CONTESTS

PRESERVATION OF EQUIPMENT & MATERIALS

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Results - Election Day p. 85

➤ **CBEC Must Oversee Processing of Absentee Ballots**

- Can appoint clerks to process absentee ballot
- Conducted on the date and time listed in Notice of Election
- CBEC must review any ballot which absentee ballot Clerks believe must be Rejected
- Ballot are NOT to be counted or results tapes printed until after Polls Close
 - Can feed ballots into a tabulator but cannot close the tabulator or produce results tapes

➤ **CBEC Should Work with County Clerk to Determine who tabulates Early Voting Ballots**

- Prepare Early Voting Machines or Tabulators to be closed
- No Machines or Tabulators can be closed out or results tapes run until after the polls close

Processing & Counting Early & Absentee Ballots p. 85-98

- Ballots must be placed in a secured container and this container may only be accessed in view of the public
 - The Use of a “Chain of Custody” document is Recommended
- All Canvassing, counting, and processing must be in view of the public
- Absentee Ballot Canvassing must be conducted so that poll watchers:
 - Are prohibited from being within 3 feet of the canvassing process
 - Are not required to remain more than 6 feet from the canvassing process
- VOTER STATEMENT INSPECTION: Must be allowed to view a voter statement upon request.
 - Can be removed by a unanimous vote of the CBEC for “obstructing the canvassing process in Bad Faith” and has requested to review more than 30 ballots in an hour
- **BALLOT INSPECTION: may inspect upon request BUT NEVER GIVEN PHYSICAL CONTROL OF A BALLOT**

Best Practices for Ballot Accounting and Security

- Chain of Custody – Who put what and how many ballots in a particular container.
- When transferring a container from County Clerk to CBEC or Absentee Clerks, both County Clerk and CBEC should count and verify number of ballots transferred.
- When processing absentee ballots, work in defined numerical stacks, i.e. 50 and account for each stack of 50's disposition. i.e. 40 accepted, 5 rejected, 5 lacking identification. Total = 50

Best Practices for Ballot Accounting and Security

- Consider the physical movement of ballots, categories of ballots, and ensure a clear linear progression.
- Consider limiting the number of personnel touching ballot packets.
- Keep like categories of ballot together, and maintain a running verified total
- Identify points along the process where inventory counts can be made and where such counts are appropriate to avoid co-mingling ballot categories

Deadlines to Return Absentee Ballots

- **Designated Bearers, Administrators, and Returned in person by the Voter**
 - Closed of Business on the Friday before the Election (Act 973)
- **Authorized Agents and Returned by mail**
 - 7:30pm on election night
- **UOCAVA Ballots**
 - 5pm 10 days after the election

Processing & Counting Absentee Ballots p. 85-98

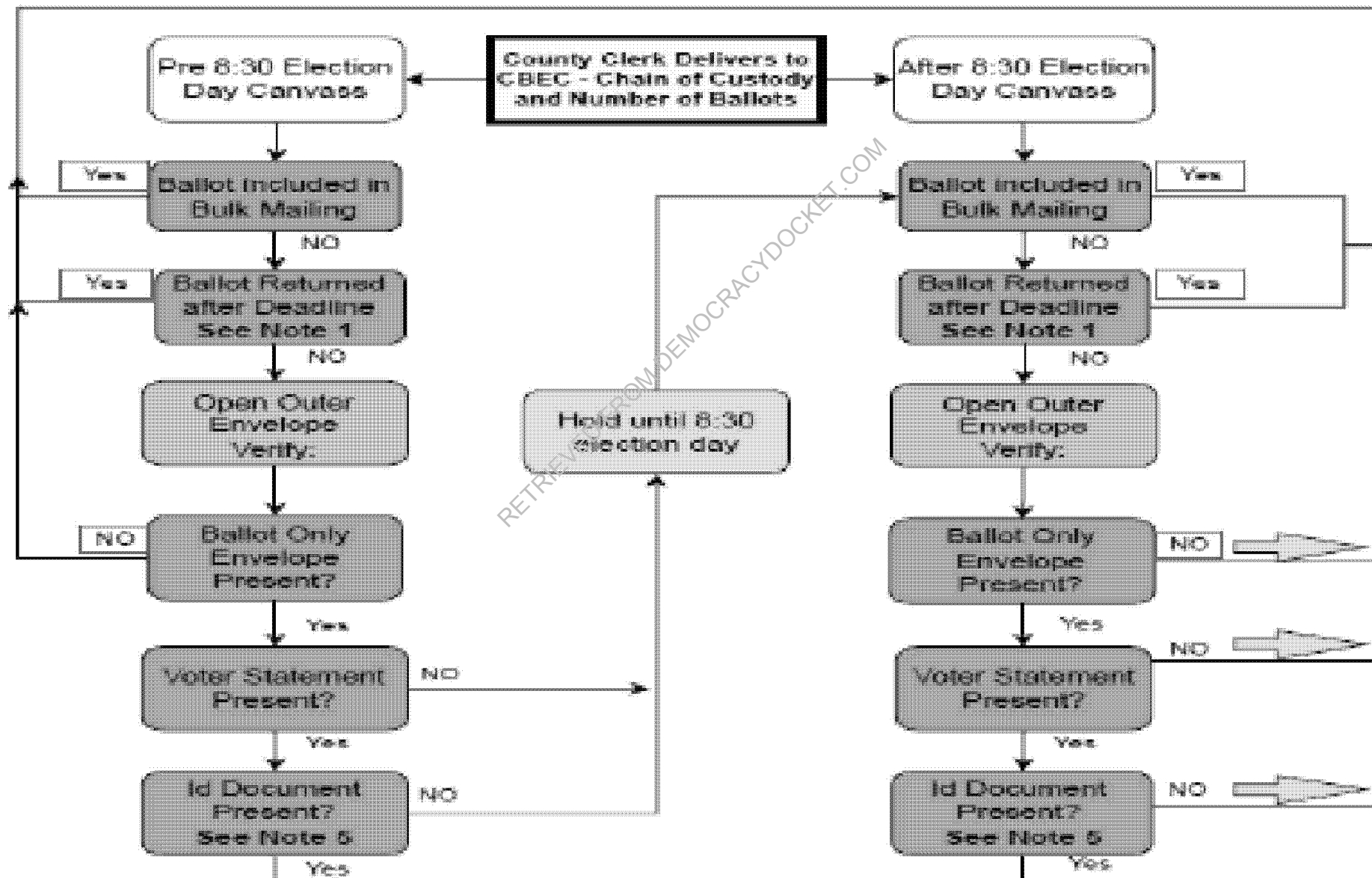
- **CBEC may begin processing the ballot paperwork up to 7 days before election day**
 - NO opening of ballot envelopes until 8:30am on election day
- **Minimum Requirements**
 - Ballot clerks may determine to count a ballot without further review
 - The Ballot clerks are required to make some ballots provisional
 - Ballot clerks may Reject ballots for non deliberative reason
 - Example: missing voter statement / Statement unsigned / No ID Provided*
 - Ballot clerks may **NOT** Reject a ballot for a deliberative reason
 - name/address/DOB/signature
 - IF one of the two ballot clerks find the ballot doesn't compare = must be reviewed by CBEC for final determination.
- **CBEC MAY:**
 - Review all ballots or all rejected ballots if it choses

Processing & Counting Absentee Ballots p. 85-98

- **Multi-Step Process**
- **The questions are designed to identify ballots that can be accepted or rejected.**
- **During the process, a ballot may be**
 - accepted,
 - held for additional information (Post-presentment ID cure),
 - held for review (made provisional because of bearer envelope versus voter statement versus application, or
 - rejected.

Processing Absentee Ballots

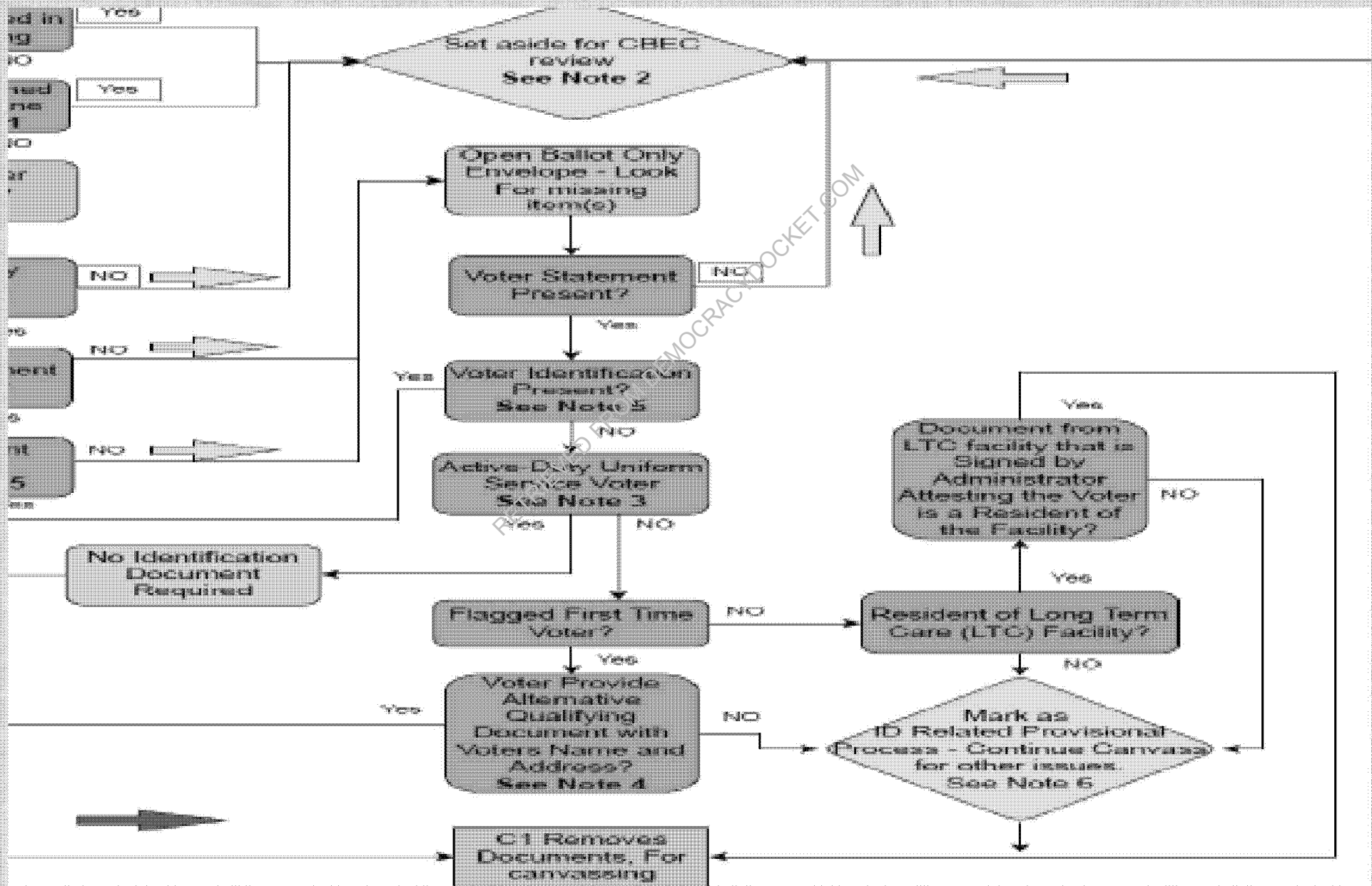
Flow Chart for guidance- Initial documents present?



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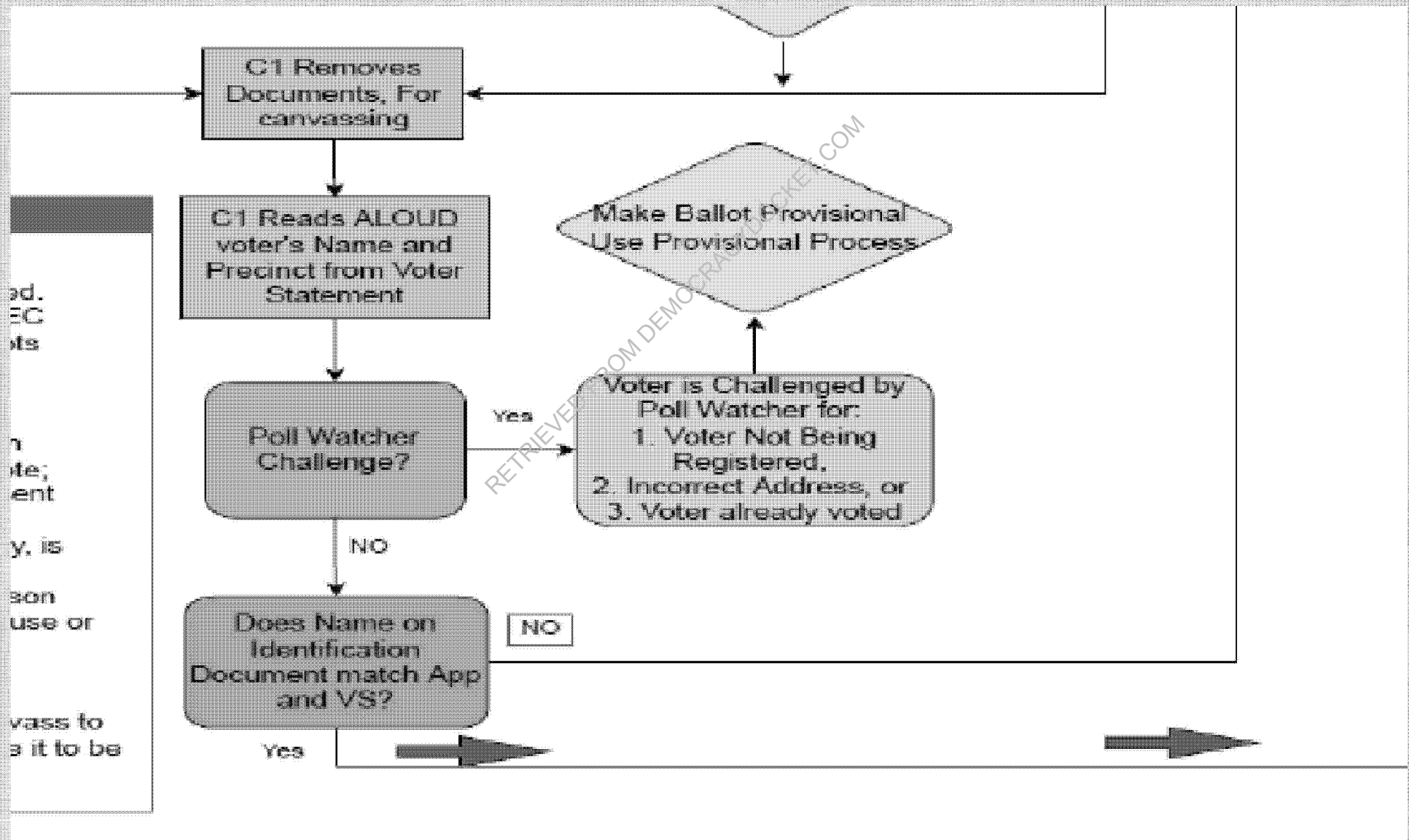
Processing Absentee Ballots

Flow Chart for guidance – Exception to ID requirement



Processing Absentee Ballots

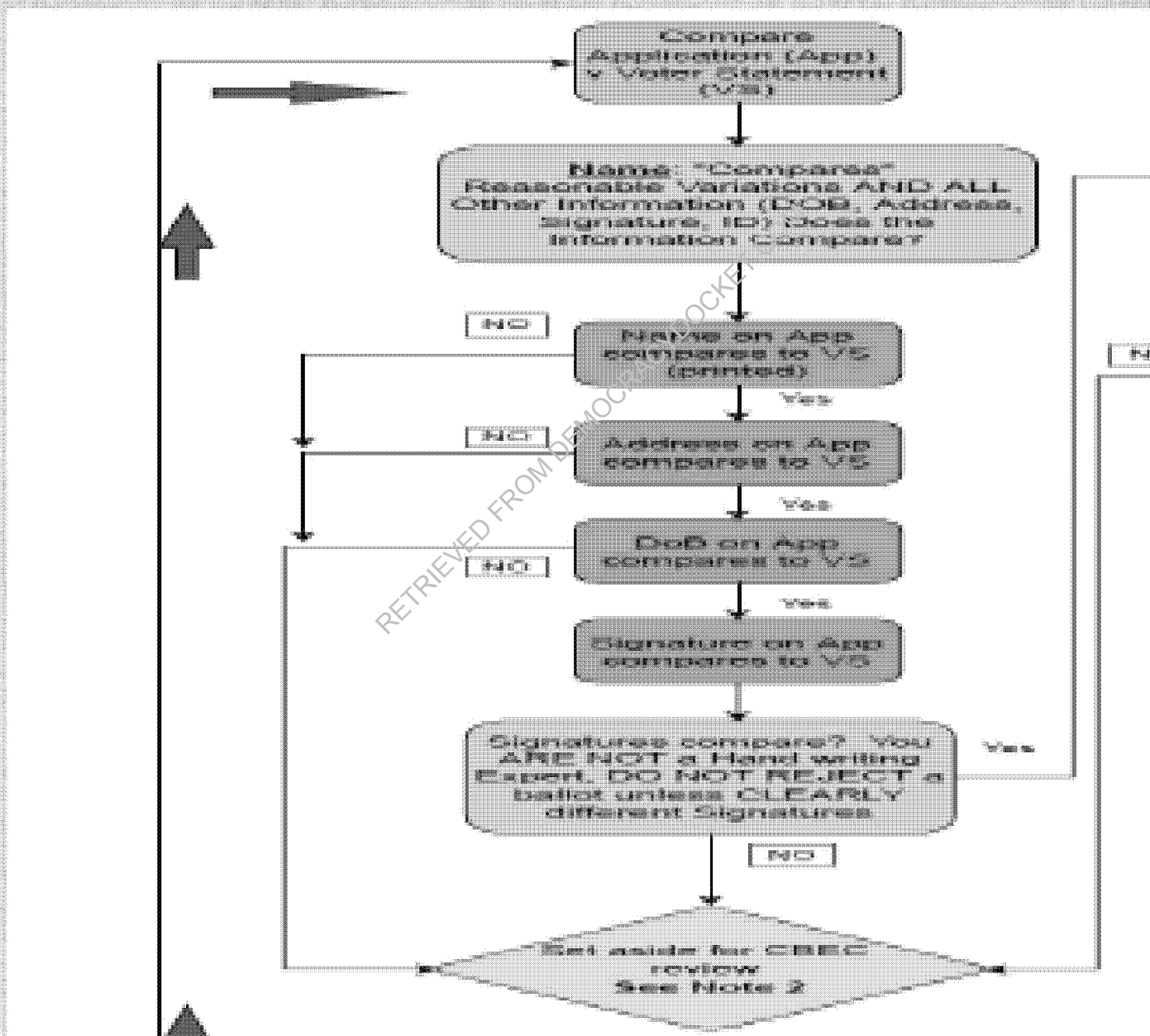
Flow Chart for guidance – Poll Watcher Challenge



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Processing Absentee Ballots

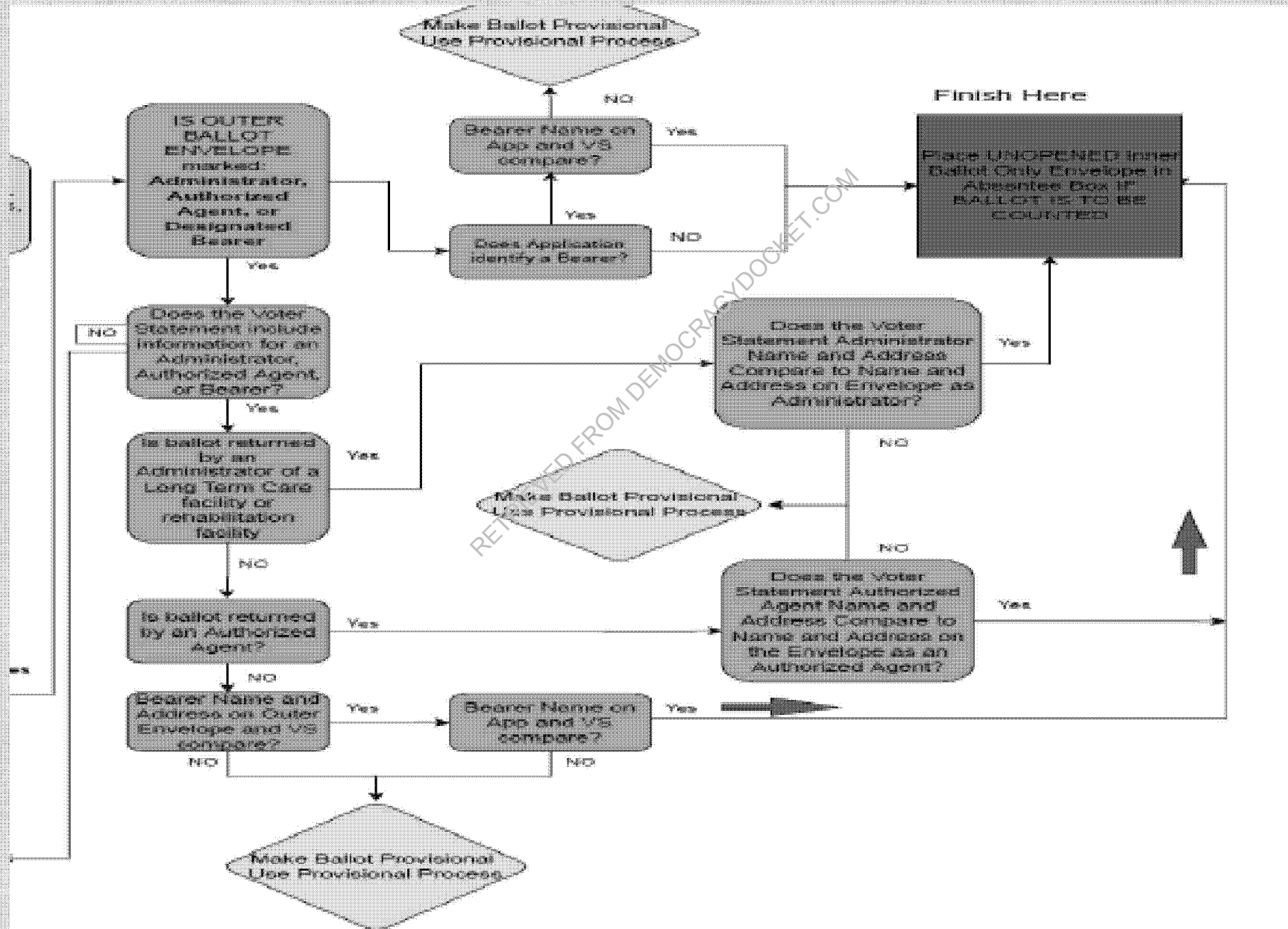
Flow Chart for guidance – Data Point Comparison



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Processing Absentee Ballots

Flow Chart for guidance – 3rd Party involvement analysis



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OPENING & PROCESSING ABSENTEE BALLOTS

- **STEP ONE:** Clerk 1 opens the outer envelope while Clerk 2 Observes:
 - **Voter Statement** [*Missing = Rejected*]
 - **Photo ID** [*Missing = Provisional (except Military Ballot)*]
 - The ballot (inner) envelope [*Missing = Rejected*]
 - IF SOMETHING IS MISSING
 - Before 8:30am on election day – **SET ASIDE UNTIL ELECTION DAY**
 - After 8:30am on election day – **INSPECT INNER ENVELOPE**
- **STEP TWO:** Clerk 1 reads aloud from the voter statement:
 - Voter's name
 - Voter's precinct (precinct part)
- **STEP THREE:** Clerk 2 lists the name and precinct of the voter
- **STEP FOUR:** Clerk 1 and Clerk 2 compare the following
 - Name
 - Address
 - Date of Birth
 - Signature
 - [If a Clerk believes any do not Compare = Set aside for CBEC to review]

OPENING & PROCESSING ABSENTEE BALLOTS

- **STEP FIVE:** (if a name and address is written on the outer envelope) The election officials compares:
 - the name and address on the absentee ballot return envelope; and
 - the information on the voter statement.
 - [If the name and address matchers proceed]
 - [IF the Voter Statement has a Name and Address but they do not compare = Provisional]
 - [If the Voter Statement has no Name or Address = Reject]
- **STEP Six:** (if applicable) Compare any bearer name on the Absentee Ballot Application to a bearer name on the voter statement. (Act 736)
 - [If the names don't compare or document has a name and the other doesn't = provisional]
- **STEP SEVEN:** Confirm ID name compares with Voter Statement Name
 - [If NO = make provisional]
- **STEP EIGHT** If the ballot is to be counted, place the unopened inner "Ballot Only" envelope into the absentee ballot box.
- **FINAL STEP:** Once canvases is complete, mix the unopened inner ballots and then count the ballots.

Checking Inner Envelope for Missing Documents

- [AFTER 8:30am on Election Day] If the voter statement and/or ID are NOT in the return envelope separate from the inner “Ballot Only” envelope:
 - Clerk 1 removes the inner “Ballot Only” envelope from the outer return envelope and hands it to Clerk 2.
 - Clerk 2 inspects the inner “Ballot Only” envelope while being observed by clerk 1 and,
 - Removes the voter statement and/or ID documents, if found there, from the inner “Ballot Only” envelope and hands them to Clerk 1.
 - Clerk 2 returns the inner “Ballot Only” envelope and any found voter statement/ID documents to Clerk 1 and Clerk 1 places the inner “Ballot Only” envelope back into the outer return envelope.
 - Clerk 1 reads aloud from the voter statement, and regular processing procedures are followed.

COUNTING ABSENTEE BALLOTS

- Reject any ballot if:
 - Bulk Mailing
 - Except from an administrator of a long-term care facility;
 - No voter statement is found
 - Deceased Voter's Ballot Accepted if:
 - Postmarked or Received before the Date of Death;
 - Delivered by Authorized Third Party before the Date of Death
 - In the case of an active duty "armed services" voter, executed before the date the voter died;
 - If the return envelope indicates the ballot was returned by a bearer, agent or administrator but the voter has not authorized a bearer/agent/administrator on the voter statement.
 - If the voter statement is unsigned

OPENING & PROCESSING ABSENTEE BALLOTS

ID REQUIREMENTS (COMPARE NAME ON ID TO NAME ON VOTER STATEMENT)

- **General:** Name & Photo / Exp < 4y or not Exp Date / Issued by:
 - The United States,
 - The State of Arkansas,
 - An accredited postsecondary educational institution in the State, or
 - The county clerk
 - IF NONE MAKE PROVISION [Resolution = Post-Presentment or Reject the Ballot]

- **Flagged Voters:** Must include one of the following
 - A copy of a current and valid photo identification OR
 - A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If identification is not present, the ballot is considered a provisional ballot.
 - IF NONE MAKE PROVISIONAL [Resolution = Counted unless an independent reason arises to reject the ballot]

OPENING & PROCESSING ABSENTEE BALLOTS

ID REQUIREMENTS: EXCEPTIONS

- **Active-Duty Military Voters: DO NOT NEED TO RETURN ID IF:**
 - **Uniformed Services Member away from the county on active duty**
 - **A dependent of a Uniformed Services Member away from the county on active duty**

- **Long Term or Residential Care Facility:**
 - **May submit a form signed by the facility administrator attesting the voter is a resident of the facility**
 - **This satisfies the ID requirement**

OPENING & PROCESSING ABSENTEE BALLOTS

UNIFORM ABSENTEE VOTER STATEMENT

▶ Basic Instruction to the Voter

▶ Used for Data Collection

▶ Not considered in the canvassing process

▶ Contains Information used in canvassing

▶ Full instruction are on the back of the Form

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE MAILING ENVELOPE:

1. My completed Voter Statement (This piece of paper)
2. Copy of Approved Photo ID
 - See instructions for a list of approved photo IDs

If I am unable to vote in person, I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address.

3. My Ballot Only Envelope Containing my marked ballot

VOTER'S MAILING ADDRESS

IF YOUR MAILING ADDRESS IS DIFFERENT FROM THE ADDRESS LISTED IN BOX 2 PLEASE LIST IT HERE

Street Address

City

State

Zip Code

Box 1: **VOTER'S PRINTED NAME**

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 3: **VOTER'S DATE OF BIRTH**

Month Day Year

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 2: **VOTER'S RESIDENTIAL VOTING ADDRESS**

I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE AND THIS IS THE SAME ADDRESS LISTED ON MY APPLICATION FOR ABSENTEE BALLOT

Street Address

City

State

Zip Code

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 4: **Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:**

Printed Name of Designated Bearer, Agent, or Administrator

Signature of Designated Bearer, Agent, or Administrator

Address of Designated Bearer, Agent, or Administrator

City

State

Zip Code

Box 5: **REQUIRED ABSENTEE VOTER STATEMENT**

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE RETURN ENVELOPE FOR YOUR VOTE TO BE COUNTED!

Signature of Absentee Voter

ABSENTEE BALLOT COMPARISONS

Comparison Determination Which Must be Made by the CBEC

If the absentee ballot canvassers determine that the following datapoints do not compare between the Absentee Ballot Statement and the Absentee Voter Statement, the CBEC must make the final decision.

- Name
- Date-of-Birth
- Address
- Signature

“If the county board of election commissioners determines that the absentee application and the voter’s statement do not compare as to name, residential voting address, date of birth, and signature, the absentee ballots shall not be counted.” A.C.A. 7-5-416(b)(1)(F)(ii).

PROCESSING ABSENTEE BALLOTS

► CBEC compares application & voter statement

ARKANSAS APPLICATION FOR ABSENTEE BALLOT

Revised 09/2021

TO COUNTY CLERK: _____

FOR OFFICE USE ONLY
 DATE: _____
 REGISTRANT ID: _____
 PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

- PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:**
 - I will be unavoidably absent from my polling site on Election Day, OR
 - I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 - I am a resident of a long-term care or residential facility licensed by the state.
- PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:**
 - I currently reside within the county in which I am registered to vote.
 - I currently reside outside of the county in which I am registered to vote.
 - I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 - I am an active service member of the United States armed services (UOCAVA).
 - I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).
- PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:**
 - Preferential Primary/Nonpartisan Judicial General (held in the spring of even-numbered years).
 Party Preference (Circle One): Democratic Republican Nonpartisan. You will be sent a Judicial ballot.
 - November General Election/Nonpartisan Judicial Runoff.
 - Annual School Election.
 - Special Election to be held on _____ (Date).

You may qualify for:

- All elections for one calendar year (i.e., today's date through December 31st of the current year).
 In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.
- All elections through the next Federal General Election.
 In order to qualify for this option, you must be a UOCAVA voter.

4. PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:

- I will pick up my ballot from the office of the county clerk.
- Email (available for UOCAVA voters only). My email address is _____
- Mail. Please send my ballot to the following address:

- Picked up via Designated Bearer, Administrator, or Authorized Agent.
 Printed Name of Bearer/Administrator/Agent _____
 Signature of Bearer/Administrator/Agent _____

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school election, special election, residential primary election, or general election OR the 7 days before a runoff election. A bearer, administrator, or authorized agent must provide a current and valid photo ID to the county clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law OR STATE LAWS, and I understand that I am registered to vote, and that I am a qualified voter who is registered to vote.

Residential Address of Absentee Voter _____
 Date of Birth of Absentee Voter _____
 City, State, and Zip Code _____
 Phone Number of Absentee Voter _____
 Printed Name of Absentee Voter _____
 Signature of Absentee Voter _____

YOU MAY RETURN THIS APPLICATION TO YOUR LOCAL COUNTY CLERK VIA MAIL, FAX, OR EMAIL.

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of Approved Photo ID
 - See instructions for a list of approved photo IDs

If I am a newly registered voter of this county and this is the first time I am voting in this county, I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address.
- My Ballot Only Envelope Containing my marked ballot

VOTER'S MAILING ADDRESS

IF YOUR MAILING ADDRESS IS DIFFERENT FROM THE ADDRESS LISTED IN BOX 2 PLEASE LIST IT HERE

Street Address _____
 City _____ State _____ Zip Code _____

Box 1: VOTER'S PRINTED NAME

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS

I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) WHICH I RESIDE AND THIS IS THE SAME ADDRESS LISTED ON MY APPLICATION FOR ABSENTEE BALLOT

Street Address _____
 City _____ State _____ Zip Code _____

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 5: REQUIRED ABSENTEE VOTER SIGNATURE

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I PROVIDE FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Signature of Absentee Voter _____

Box 3: VOTER'S DATE OF BIRTH

Month _____ Day _____ Year _____
 MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 4: Complete this section if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:

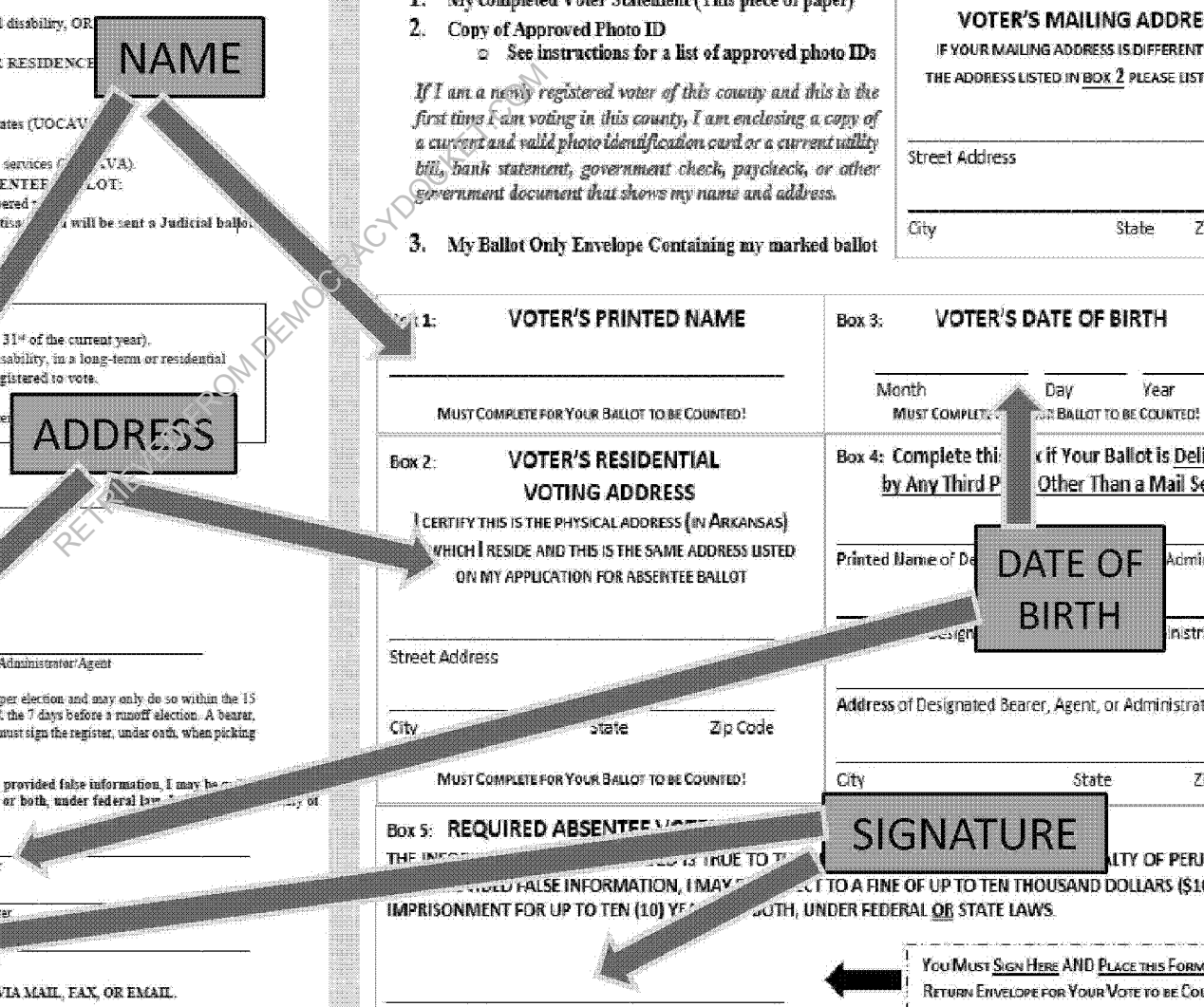
Printed Name of Designated Bearer, Agent, or Administrator _____
 Signature of Designated Bearer, Agent, or Administrator _____

Address of Designated Bearer, Agent, or Administrator _____

City _____ State _____ Zip Code _____

SIGNATURE

You Must Sign Here AND Place This Form in the Return Envelope for Your Vote to be Counted!



ABSENTEE BALLOT COMPARISONS

Comparison of Voter's Name

- ▶ Compared for Content, not Style
- ▶ Comparable if it is sufficiently similar so that any discrepancies are not so dissimilar that election officials are unable to determine that the two documents reflect different forms of a name belonging to the same individual – SBEC Guidance
- ▶ Discrepancies which may occur include:
 - Abbreviations
 - Nicknames
 - Name Change (Marriage, Adoption, Divorce)
 - Inclusion or Omission of a Component of the Name
- ▶ Must have at least one component of the name in common
- ▶ If the “name” blank of the voter statement is blank, but a readable name has been written in the signature blank or other location on the voter statement, the name in the signature blank can be used to satisfy this requirement.

ABSENTEE BALLOT COMPARISONS

Examples Voter Name Comparison

Comparable

- ▶ Name Change:
 - Mary Smith vs. Mary Jones
 - Briana Tyler vs. Lauren Tyler

- ▶ Abbreviation / Spelling
 - Abigail Shults vs. Abby Shults
 - William Coats vs. Bill Coats

- ▶ Nicknames:
 - Doc Holladay vs. Charles Holladay

NOT Comparable

- ▶ Name Change:
 - Samuel Langhorne Clemens vs. Mark Twain

- ▶ Abbreviation / Spelling
 - John Fitzgerald Kennedy vs. JFK

- ▶ Nicknames:
 - Dwain Johnson vs. The Rock

ABSENTEE BALLOT COMPARISONS

Comparison of the Voter's Address

- ▶ **Comparable if it is sufficiently similar so that any discrepancies or minor incongruities are not so dissimilar that election officials are unable to determine that the two documents reflect the same physical address - SBEC Guidance**

- ▶ **Incongruities which may occur include**
 - Abbreviations
 - Inclusion or Omissions of a Components such as “street” or “avenue”
 - Inclusion or Omission of a “zip plus 4”
 - Other Variations in Form

ABSENTEE BALLOT COMPARISONS

Comparison of the Date of Birth

- ▶ Comparable if the same month, date, and year are described in both documents
- ▶ A date expressed in numerals should be found comparable if the month and date are transposed due to differences in international conventions in dates.
 - Example: 11/8/2022 compares to 8/11/2022

ABSENTEE BALLOT COMPARISONS

Comparison of the Voter's Signature

- ▶ **Comparable unless the signature on the voter's statement is sufficiently dissimilar to the signature on the absentee ballot application so that the reviewing officials are left with an abiding conviction that the signatures being compared are written by two different people**

- ▶ **Non-Exhaustive list of criteria to consider in analyzing two signatures:**
 - Spacing (Overall Spacing and Internal Spacing of Words and Letters);
 - Type or Style of Writing;
 - Speed of Writing;
 - Size and Proportions of Words and Letters;
 - Spelling;
 - Slant of Writing;
 - Curves, Loops, and Cross-Points;
 - Presence or Absence of Pen Lifts; and
 - Beginning and Ending Strokes.

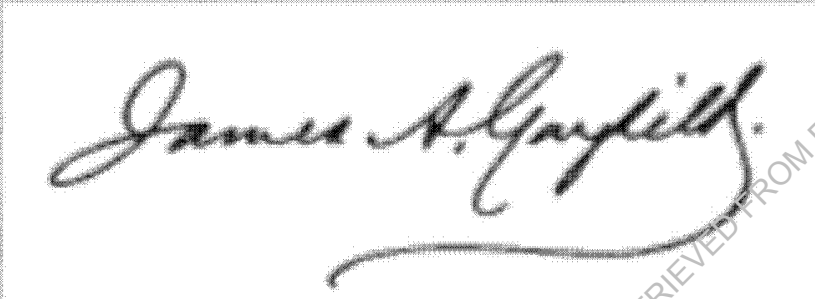
- ▶ **SBEC Recommends that the County document in writing the reasons two signatures were found not to compare.**

ABSENTEE BALLOT COMPARISONS

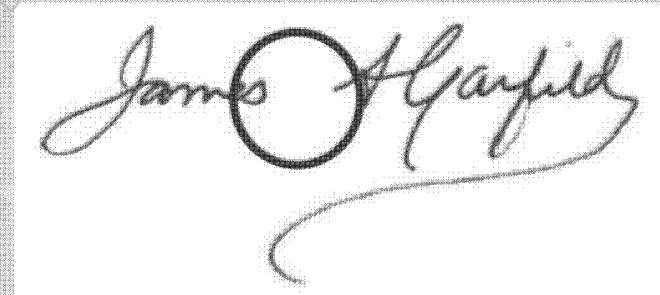
Comparison of the Voter's Signature – Spacing

Absentee Ballot Application

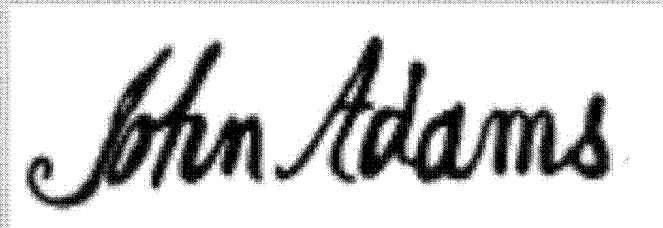
Absentee Voter Statement



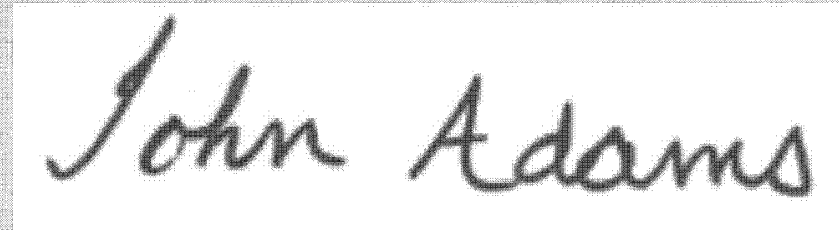
James A. Garfield.



James A. Garfield



John Adams



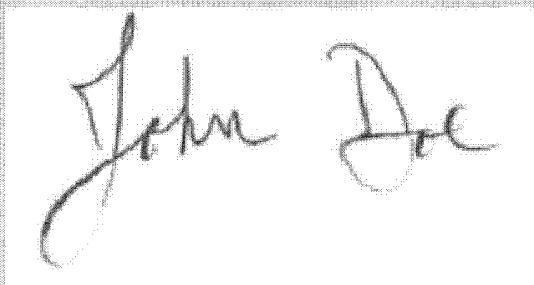
John Adams

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ABSENTEE BALLOT COMPARISONS

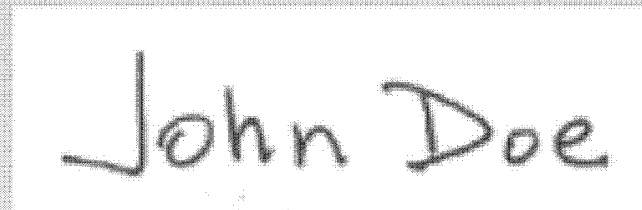
Comparison of the Voter's Signature – Type or Style of Writing

▶ Absentee Ballot Application



John Doe

▶ Absentee Voter Statement



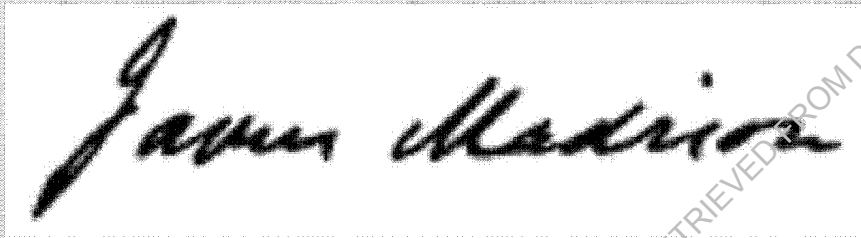
John Doe

RETRIEVED FROM DEMOCRACYDOCKET.COM

ABSENTEE BALLOT COMPARISONS

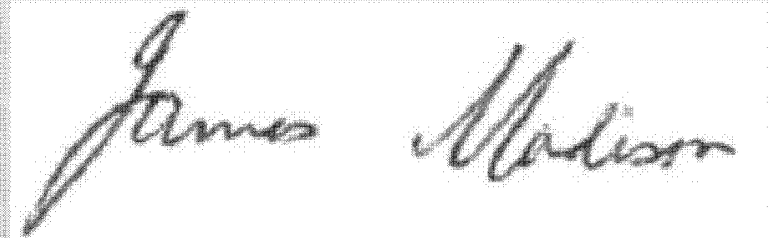
Comparison of the Voter's Signature – Size and Proportions of Words and Letters

▶ Absentee Ballot Application

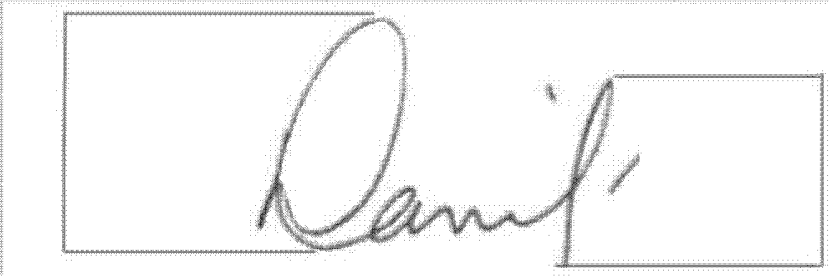


James Madison

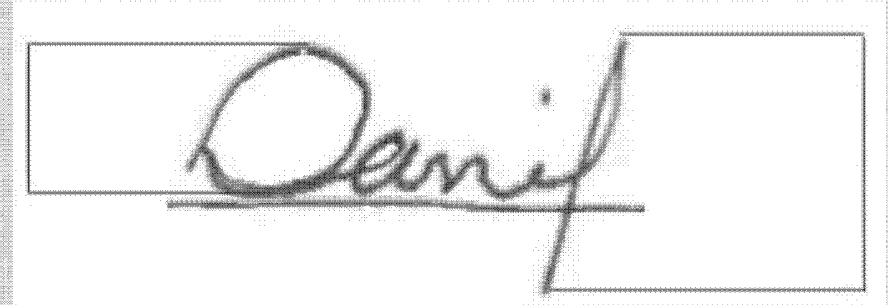
▶ Absentee Voter Statement



James Madison



Danif



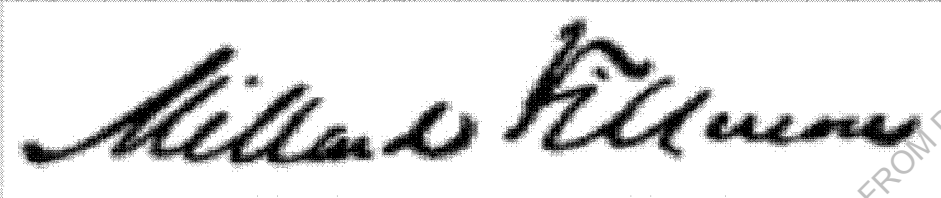
Danif

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ABSENTEE BALLOT COMPARISONS

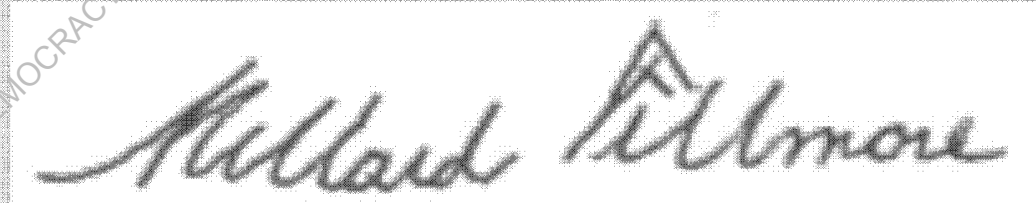
Comparison of the Voter's Signature – Speed of Writing

▶ Absentee Ballot Application

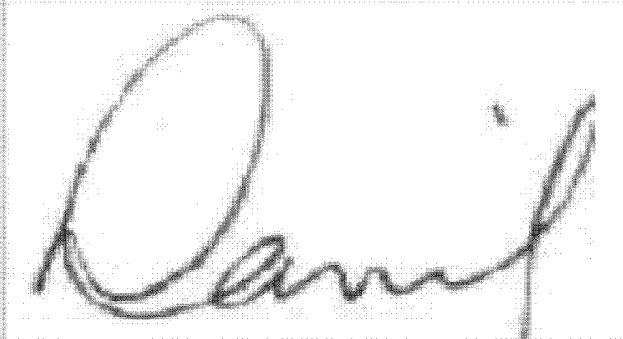


Mellard Tillmore

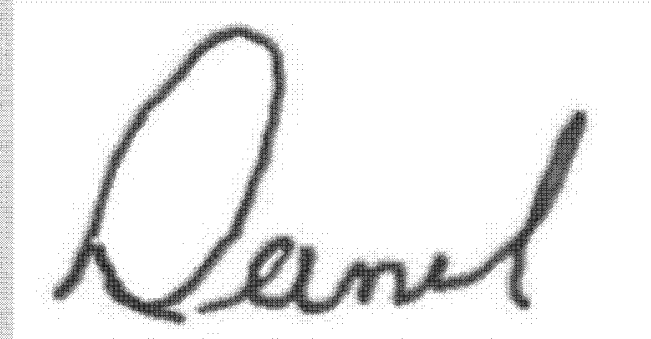
▶ Absentee Voter Statement



Mellard Tillmore



David



David

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ABSENTEE BALLOT COMPARISONS

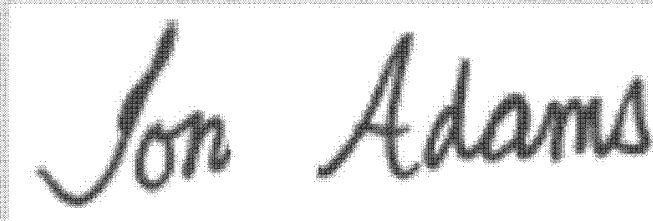
Comparison of the Voter's Signature – Spelling

▶ Absentee Ballot Application

▶ Absentee Voter Statement



John Adams



Jon Adams

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ABSENTEE BALLOT COMPARISONS

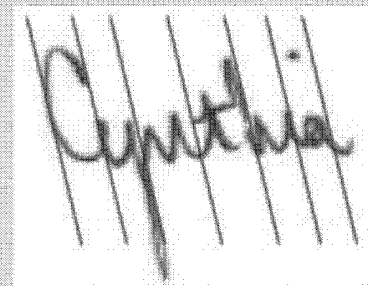
Comparison of the Voter's Signature – Slant of Writing

▶ Absentee Voter Application

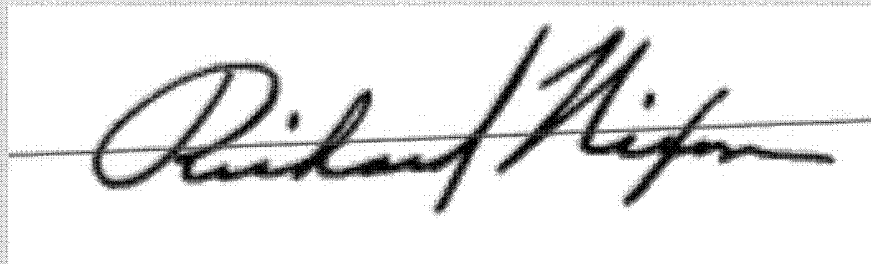


Cynthia

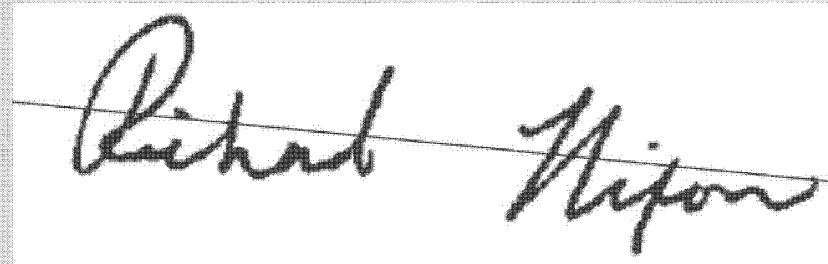
▶ Absentee Voter Statement



Cynthia



Richard Nixon



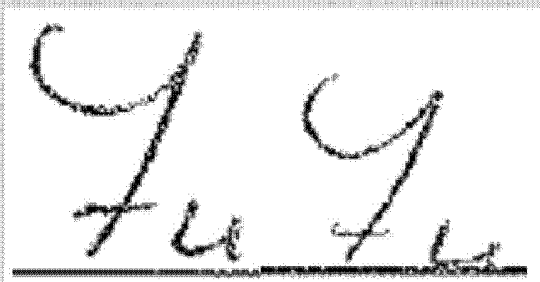
Richard Nixon

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ABSENTEE BALLOT COMPARISONS


Comparison of the Voter's Signature – Curves, Loops, and Cross-Points

▶ Absentee Ballot Application

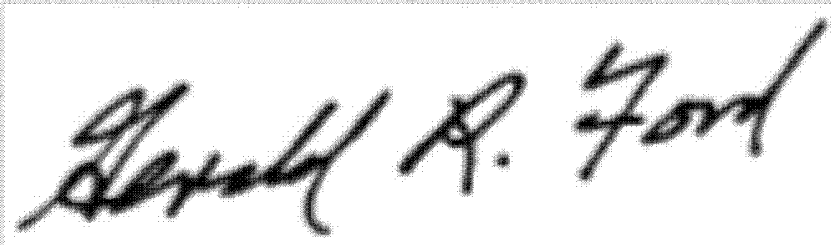


Fu Fu

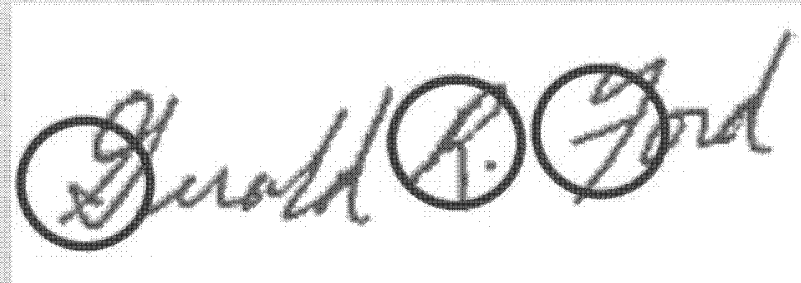
▶ Absentee Ballot Statement



Fu



Gerald R. Ford



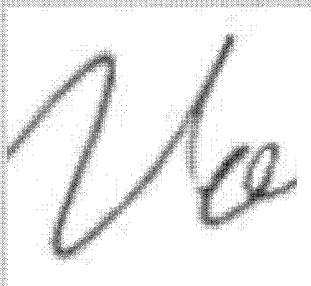
Gerald R. Ford

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ABSENTEE BALLOT COMPARISONS

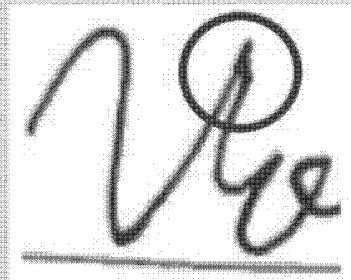
Comparison of the Voter's Signature – Presence or Absence of Pen Lifts

▶ Absentee Ballot Application

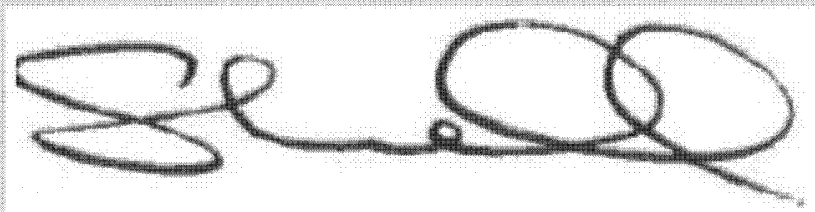


No

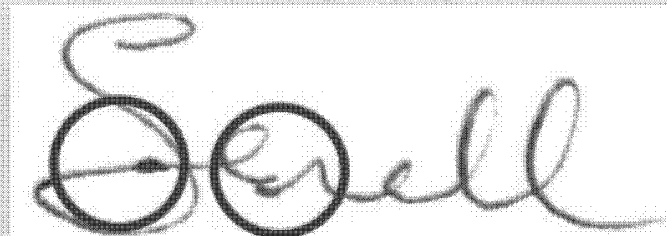
▶ Absentee Ballot Statement



No



Sevell



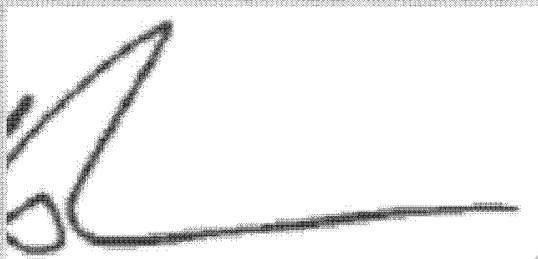
Sevell

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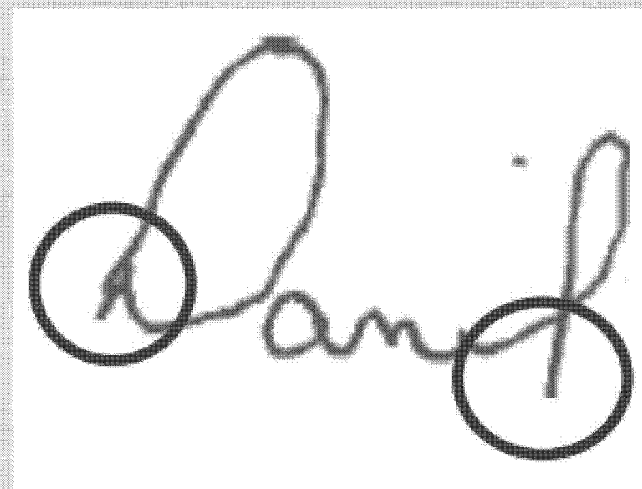
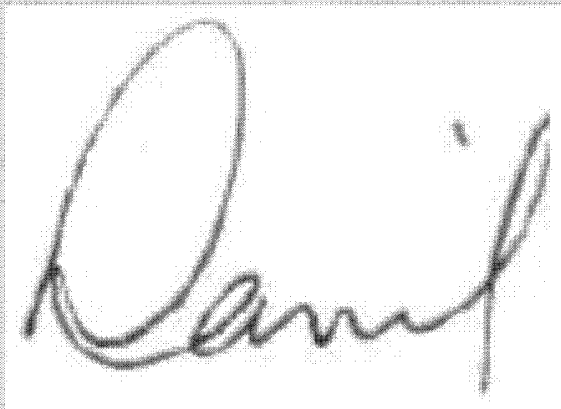
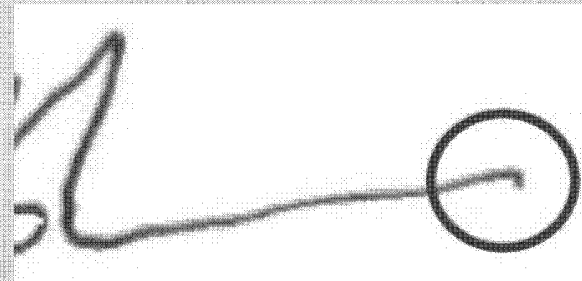
ABSENTEE BALLOT COMPARISONS

Comparison of the Voter's Signature – Beginning and Ending Strokes

▶ Absentee Ballot Application



▶ Absentee Ballot Statement

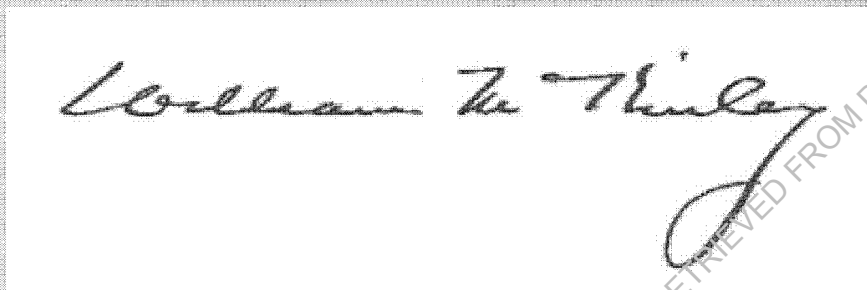


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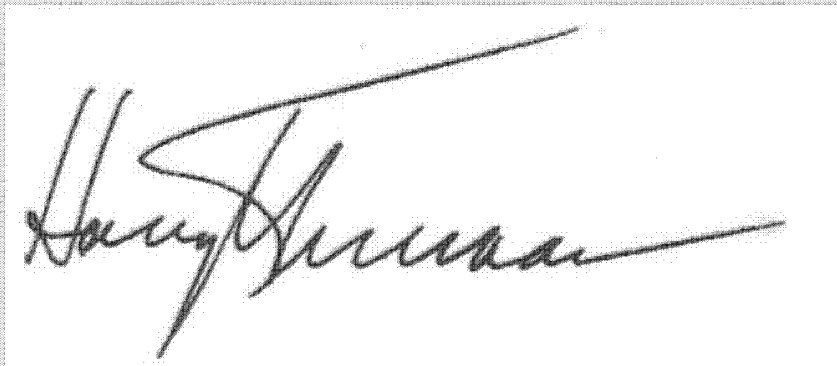
ABSENTEE BALLOT COMPARISONS

Electronic Signatures

▶ Pen and Paper

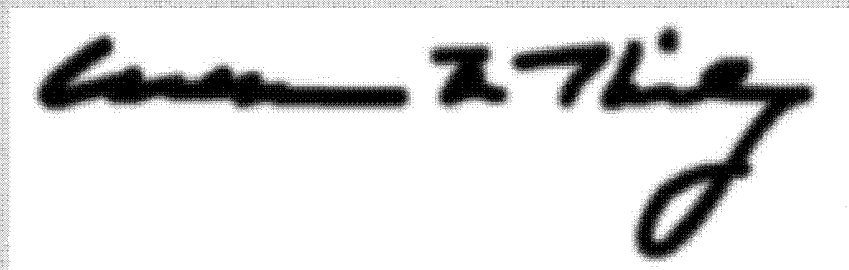


William R. Thibodeau

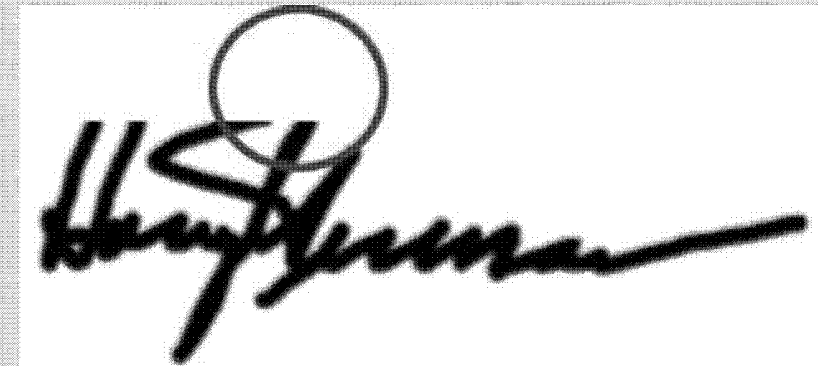


Harry Truman

▶ Electronic



William R. Thibodeau

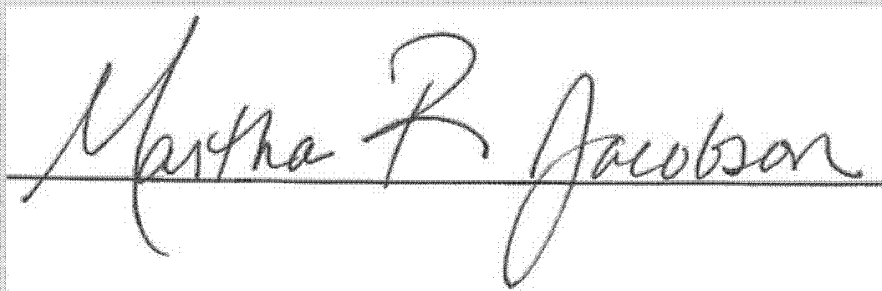
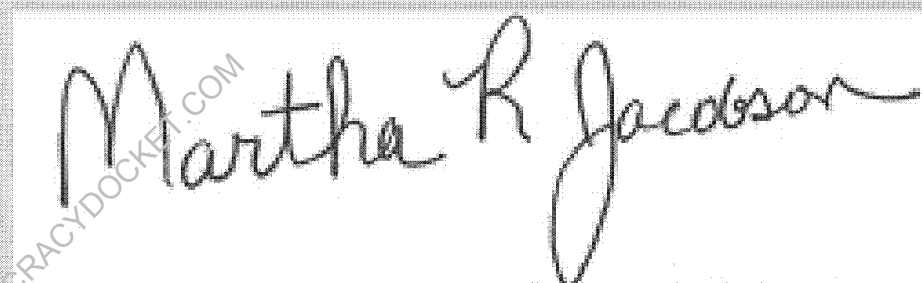


Harry Truman

RETRIEVED FROM DEMOCRACYDOCS.COM

ABSENTEE BALLOT COMPARISONS

What do you Think?

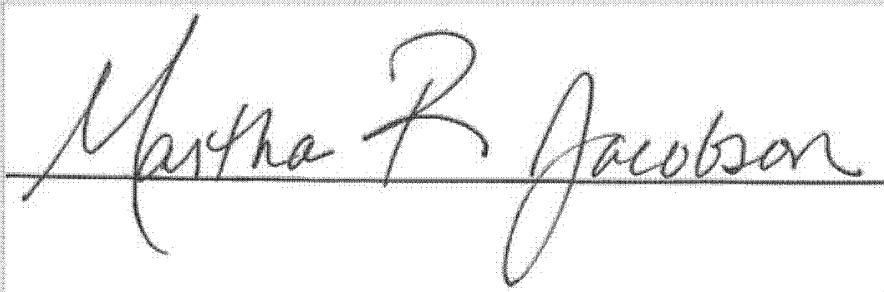
A handwritten signature of Martha R. Jacobson in black ink on a white background. The signature is written in a cursive style and is positioned above a horizontal line.A handwritten signature of Martha R. Jacobson in black ink on a white background. The signature is written in a cursive style and is positioned above a horizontal line. A diagonal watermark reading "REMOVED FROM DEMOCRACYDOCKET.COM" is overlaid on the signature.

- **ISSUES to be Considered:**
- **Style of the "M"**
- **Cross point and Style of the "R"**
- **Cross point of the "T"**
- **Letter Proportion of the "J"**
- **Internal and External Slant**
- **Speed of the Signature**
- **What Else?**

**IS THERE ENOUGH TO
JUSTIFY REJECTING THIS
ABSENTEE BALLOT?**

ABSENTEE BALLOT COMPARISONS

What do you Think?



Martha R Jacobson



Martha R Jacobson


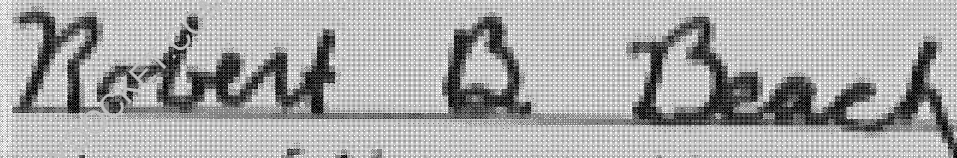
ISSUES to be Considered:

- Style of Martha (less compressed)
- Cross point on the "R"
- Presence or Absence of the Curl on the "t"
- Proportion of the "M" finish below the line

IS THERE ENOUGH TO
JUSTIFY REJECTING THIS
ABSENTEE BALLOT?

ABSENTEE BALLOT COMPARISONS

What do you Think?

A close-up photograph of a handwritten signature "Robert Beach" in black ink on a white background. The signature is written in a cursive style. The letter "t" has a crossbar that is slightly above the baseline. The "M" at the end of the name has a long, sweeping tail that extends below the baseline.A photograph of a handwritten signature "Robert B. Beach" in black ink on a white background. This signature is written in a more formal, blocky cursive style. The letter "t" has a crossbar that is clearly below the baseline. The "M" at the end of the name has a short, straight tail that stays above the baseline.

ISSUES to be Considered:

- Beginning and Ending Strokes
- Cross point on the "t"
- Internal Spacing
- Proportion of the "M" finish below the line

IS THERE ENOUGH TO
JUSTIFY REJECTING THIS
ABSENTEE BALLOT?

ABSENTEE BALLOT COMPARISONS

Comparison of the Voter's Signature – Takeaways

- ▶ This process is one which requires the judgment of fair-minded people.
- ▶ How to Think About This Process
 - All signatures have distinctions, the question you have to ask is do the quantity and severity of the distinctions, taken together, form a convincing case that the signature was not created by the same person.
 - If the signature appears to be on the line, deference should be given towards counting the vote
- ▶ Why this and Not Something Else?
 - No analysis
 - Witness
 - Notary

OPENING & PROCESSING ABSENTEE BALLOTS

Making an Absentee Ballot Provisional

- ▶ **The absentee ballot clerk Shall:**
 - ▶ Place the return envelope and everything that is inside it into a provisional voter envelope;
 - ▶ Record on the provisional voter envelope the reason the absentee ballot was made provisional, including the reason the ballot was challenged, if any; and
 - ▶ Set the provisional ballots aside for consideration by the election commission.

COUNTING ABSENTEE BALLOTS

- **After processing all the absentee ballots, the absentee ballot election officials mix up the ballots in the ballot box containing the inner “Ballot Only” envelopes thoroughly to mix the ballots.**

- **When it is time to count the ballots, election officials must:**
 - **Open the inner “Ballot Only” envelopes;**
 - **Count any write-in votes first; and**
 - **Count the remaining ballots by hand or electronic tabulating device at the discretion of the election commission.**

- **Election results must not be printed or released prior to the closing of polls on election day**

Exercise A - Processing Absentee Ballots – Scenario 1

Scenario 1

ARKANSAS APPLICATION FOR ABSENTEE BALLOT

Revised 09/2021

TO COUNTY CLERK: Saltine County Clerk
315 N. Main St.
Bates, AR

FOR OFFICE USE ONLY

DATE: _____

REGISTRANT ID: _____

PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

- PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:**
 - I will be unavoidably absent from my polling site on Election Day, OR
 - I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 - I am a resident of a long-term care or residential facility licensed by the state.
- PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:**
 - I currently reside within the county in which I am registered to vote.
 - I currently reside outside of the county in which I am registered to vote.
 - I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 - I am an active service member of the United States armed services (UOCAVA).
 - I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).
- PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:**
 - Preferential Primary/Nonpartisan Judicial General (held in the spring of even-numbered years).
 - Party Preference (Circle One):** Democratic Republican Nonpartisan (You will be sent a Judicial ballot only)
 - November General Election/Nonpartisan Judicial Runoff
 - Annual School Election
 - Special Election to be held in _____ (Date): _____

You may qualify for:

- All elections for one calendar year (i.e., today's date through December 31st of the current year).
 - In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.
- All elections through the next Federal General Election Cycle.
 - In order to qualify for this option, you must be a UOCAVA voter (See Section 2 above).

- PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:**
 - I will pick up my ballot from the office of the county clerk.
 - Email (available for UOCAVA voters only). My email address is: _____
 - Mail. Please send my ballot to the following address: _____
- Picked up via Designated Bearer, Administrator, or Authorized Agent:

<u>Daniel Shultz</u> Printed Name of Bearer/Administrator/Agent	<u>Daniel Shultz</u> Signature of Bearer/Administrator/Agent
--	---

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school election, special election, preferential primary election, or general election OR the 7 days before a runoff election. A bearer, administrator, or authorized agent must provide a current and valid photo ID to the county clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered to vote.

<u>123 Main St</u> Residential Address of Absentee Voter <u>Bryant, AR 72022</u> City, State, and Zip Code <u>Jonathan Davidson</u> Printed Name of Absentee Voter	<u>11/19/68</u> Date of Birth of Absentee Voter <u>501-123-4530</u> Phone Number of Absentee Voter <u>Jonathan Davidson</u> Signature of Absentee Voter
---	--

Scenario 1

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of my Required Photo ID
 - See instructions for a list of approved photo IDs

VOTER'S MAILING (Secondary) ADDRESS
USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2.

Street Address / P.O. Box _____

City _____ State _____ Zip Code _____

SPECIAL REQUIREMENT FOR SOME FIRST TIME VOTERS:
 If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

- My Ballot Only Envelope Containing my Marked Ballot

<p>Box 1: VOTER'S PRINTED NAME</p> <p><u>Jon Davidson</u></p> <p><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p><u>11 19 1968</u></p> <p><small>Month Day Year</small> <small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>
<p>Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS</p> <p>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE[#] AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT</p> <p><u>123 Main Street</u></p> <p><u>Bryant</u> <u>Arkansas</u> <u>72022</u></p> <p><small>City State Zip Code</small></p> <p><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p><u>Daniel Shultz</u></p> <p><small>Printed Name of Designated Bearer, Agent, or Administrator</small></p> <p><u>Daniel Shultz</u></p> <p><small>Signature of Designated Bearer, Agent, or Administrator</small></p> <p><u>111 First Street</u></p> <p><u>Bryant</u> <u>AR</u> <u>72022</u></p> <p><small>City State Zip Code</small></p> <p><small>Address of Designated Bearer, Agent, or Administrator</small></p>

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Jon Davidson

Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

*If you are a U.S. Citizen living outside the United States or an Active Uniformed Services Voter (living outside your county (as described in the enclosed instructions)),

DEFS_066957

Scenario 1 Answer

- Names are not exactly the same – but are similar
- Signatures are not exactly the same – but are similar
- Ballot should be counted (unless some other reason would disqualify the ballot)

ARKANSAS APPLICATION FOR ABSENTEE BALLOT
Revised 06/2017

TO COUNTY CLERK: Selma County Clerk
215 N. Main St.
Bryant, AR

FOR OFFICE USE ONLY
DATE: _____
REGISTRANT ID#: _____
PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

1. PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:
 I will be unavoidably absent from my polling site on Election Day, OR
 I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 I am a resident of a long-term care or residential facility licensed by the state.

2. PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:
 I currently reside within the county in which I am registered to vote.
 I currently reside outside of the county in which I am registered to vote.
 I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 I am an active service member of the United States armed services (UOCAVA).
 I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).

3. PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:
 Parties Preference (Circle One): Democratic Republican Nonpartisan (You will be sent a Judicial Ballot only)
 November General Election/Nonpartisan Judicial Panel
 Annual School Election
 Special Election to be held on _____ (Date).

You may qualify for:

All elections for one calendar year (i.e., today's date through December 31st of the current year):
 or In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.

All elections through the next Federal General Election Cycle:
 or In order to qualify for this option, you must be a UOCAVA voter (See Section 2 above).

4. PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:
 I will pick up my ballot from the office of the county clerk.
 Email (available for UOCAVA voters only). My email address is: _____
 Mail. Please send my ballot to the following address:

Picked up via Designated Bearer, Administrator, or Authorized Agent.
Daniel Shultz
 Printed Name of Designated Bearer, Administrator, or Authorized Agent

Note: A designated bearer may deliver absentee ballots for up to two (2) voters per election and may only do so within _____ days before a school election, special election, preferential election, or general election OR the 2 days before a runoff election. The administrator, or authorized agent must provide a current and valid photo identification to the county clerk and must sign the register, under penalty of perjury, upon picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is requesting this absentee ballot.

123 main st
Residential Address of Absentee Voter

Bryant, AR 72022
City, State, and Zip Code

Jonathan Davidson
Printed Name of Absentee Voter

11/19/68
Date of Birth of Absentee Voter

501-123-4530
Phone Number of Absentee Voter

Jonathan Davidson
Signature of Absentee Voter

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of my Required Photo ID
 See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME NEW TIME VOTERS:
 If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not have my Ark. driver's license number, the last 4 digits of my social security number on my application, nor did I provide qualifying document documentation), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. (This requirement does not apply to UOCAVA voters.)

VOTER'S MAILING (Secondary) ADDRESS
 USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2

Street Address / P.O. Box _____

City _____ State _____ Zip Code _____

3. My Ballot Only (in an Envelope Containing my Marked Ballot)

<p>Box 1: VOTER'S PRINTED NAME</p> <p><u>Jon Davidson</u></p> <p style="text-align: center;">MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p><u>11 19 1968</u></p> <p style="text-align: center;">Month Day Year</p> <p style="text-align: center;">MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>
<p>Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS</p> <p>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I USED ON MY APPLICATION FOR AN ABSENTEE BALLOT.</p> <p><u>123 Main Street</u></p> <p>Street Address</p> <p><u>Bryant</u> <u>Arkansas</u> <u>72022</u></p> <p>City State Zip Code</p> <p style="text-align: center;">MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p><u>Daniel Shultz</u></p> <p>Printed Name of Designated Bearer, Agent, or Administrator</p> <p><u>Daniel Shultz</u></p> <p>Signature of Designated Bearer, Agent, or Administrator</p> <p><u>111 First Street</u></p> <p>Address of Designated Bearer, Agent, or Administrator</p> <p><u>Bryant</u> <u>AR</u> <u>72022</u></p> <p>City State Zip Code</p>

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Jon Davidson

Signature of Absentee Voter

You MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

*If you are a U.S. Citizen living outside the United States or an Armed Forces Services Voter living outside your county (as described in the enclosed instructions).

DEFS_066958

Exercise A - Processing Absentee Ballots – Scenario 2

ARKANSAS APPLICATION FOR ABSENTEE BALLOT

Revised 09/2021

TO COUNTY CLERK: Saline County Clerk
215 N. Main St.
Bryant, AR

FOR OFFICE USE ONLY

DATE: _____
 REGISTRANT ID: _____
 PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

- PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:
 - I will be unavoidably absent from my polling site on Election Day OR
 - I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 - I am a resident of a long-term care or residential facility licensed by the state.
- PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:
 - I currently reside within the county in which I am registered to vote.
 - I currently reside outside of the county in which I am registered to vote.
 - I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 - I am an active service member of the United States armed services (UOCAVA).
 - I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).
- PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:
 - Professional Primary/Nonpartisan Judicial General** (held in the spring of even-numbered years).
 - Party Preference (Circle One):** Democratic Republican Nonpartisan (You will be sent a Judicial ballot only)
 - November General Election/Nonpartisan Judicial Runoff.
 - Annual School Election.
 - Special Election to be held on _____ (Date).

You may qualify for:

- All elections for one calendar year (i.e., today's date through December 31st of the current year).
 - In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.
- All elections through the next Federal General Election Cycle.
 - In order to qualify for this option, you must be a UOCAVA voter (See Section 2 above).

4. PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:

- I will pick up my ballot from the office of the county clerk.
- Email (available for UOCAVA voters only). My email address is: _____
- Mail. Please send my ballot to the following address:

Picked up via Designated Bearer, Administrator, or Authorized Agent

Daniel Shultz Daniel Shultz
 Printed Name of Bearer/Administrator/Agent Signature of Bearer/Administrator/Agent

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school election, special election, preferential primary election, or general election OR the 7 days before a runoff election. A bearer, administrator, or authorized agent must provide a current and valid photo ID to the county clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered to vote.

123 main st 11/19/68
 Residential Address of Absentee Voter Date of Birth of Absentee Voter
Bryant, AR 72022 501-123-4530
 City, State, and Zip Code Phone Number of Absentee Voter
Jonathan Davidson Jonathan Davidson
 Printed Name of Absentee Voter Signature of Absentee Voter

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of my Required Photo ID
 - See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST TIME VOTERS:

If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

- My Ballot Only Envelope Containing my Marked Ballot

VOTER'S MAILING (Secondary) ADDRESS

USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2

Street Address / P.O. Box

City State Zip Code

Box 1: VOTER'S PRINTED NAME

Jon Davidson

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 3: VOTER'S DATE OF BIRTH

11 19 1968
 Month Day Year

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS

I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT

123 Main Street

Street Address

Bryant Arkansas 72022
 City State Zip Code

MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!

Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:

Daniel Shultz
 Printed Name of Designated Bearer, Agent, or Administrator

Daniel Shultz
 Signature of Designated Bearer, Agent, or Administrator

11 First Street
 Address of Designated Bearer, Agent, or Administrator

Bryant AR 72022
 City State Zip Code

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

Signature of Absentee Voter

*If you are a US Citizen living outside the United States or an Absent Uniformed Services Voter living outside your county (as described in the enclosed instructions).

RETRIEVED FROM DEMOCRACY

Scenario 2 Answer

- Voter Statement is NOT signed
- Ballot Cannot be Counted

ARKANSAS APPLICATION FOR ABSENTEE BALLOT
Revised 09/2021

TO COUNTY CLERK: Saline County Clerk
215 N. MAIN ST.
BRYANT, AR

FOR OFFICE USE ONLY

DATE: _____

REGISTRANT ID: _____

PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

- PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:**
 - I will be unavoidably absent from my polling site on Election Day. OR
 - I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 - I am a resident of a long-term care or residential facility licensed by the state.
- PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:**
 - I currently reside within the county in which I am registered to vote.
 - I currently reside outside of the county in which I am registered to vote.
 - I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 - I am an active service member of the United States armed services (UOCAVA).
 - I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).
- PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:**
 - Participate (Circle One):** Democratic Republican Nonpartisan (You will be sent a Judicial ballot only)
 - November General Election/Nonpartisan Judicial Runoff
 - Annual School Election
 - Special Election to be held on _____ (Date)

You may qualify for:

- All elections for one calendar year (i.e., to day's date through December 31st of the current year).
 - In order to qualify for this option, you must be a voter with a disability, in a long-term residential care facility, or living outside of the county in which you are registered to vote.
- All elections through the next Federal General Election Cycle.
 - In order to qualify for this option, you must be a UOCAVA voter (See Section 1 above).

- PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:**
 - I will pick up my ballot from the office of the county clerk.
 - Email (available for UOCAVA voters only). My email address is: _____
 - Mail. Please send my ballot to the following address: _____

Picked up via Designated Bearer, Administrator, or Authorized Agent:

Daniel Shultz Daniel Shultz
Printed Name of Bearer/Administrator/Agent Signature of Bearer/Administrator/Agent

Note: A Designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school election, special election, presidential primary election, or general election OR the 2 days before a runoff election. A bearer, administrator, or authorized agent must provide a current and valid photo ID to the county clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered to vote.

123 Main St 11/19/68
Residential Address of Absentee Voter Date of Birth of Absentee Voter
Bryant, AR 72022 501-123-4530
City, State, and Zip Code Phone Number of Absentee Voter
Jonathan Davidson Jane Davidson
Printed Name of Absentee Voter Signature of Absentee Voter

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of my Required Photo ID
 - See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST-TIME VOTERS:
If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

VOTER'S MAILING (Secondary) ADDRESS
USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2

Street Address / P.O. Box _____

City _____ State _____ Zip Code _____

- My Ballot Only Envelope Containing my Marked Ballot

<p>Box 1: VOTER'S PRINTED NAME</p> <p style="text-align: center;"><u>Jon Davidson</u></p> <p style="text-align: center; font-size: small;">MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED</p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p style="text-align: center;"><u>11</u> <u>19</u> <u>1968</u></p> <p style="text-align: center; font-size: small;">Month Day Year MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED</p>
<p>Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS</p> <p style="text-align: center; font-size: small;">I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT</p> <p><u>123 Main Street</u></p> <p>Street Address</p> <p><u>Bryant</u> <u>Arkansas</u> <u>72022</u></p> <p>City State Zip Code</p> <p style="text-align: center; font-size: small;">MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED</p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p><u>Daniel Shultz</u></p> <p>Printed Name of Designated Bearer, Agent, or Administrator</p> <p><u>Daniel Shultz</u></p> <p>Signature of Designated Bearer, Agent, or Administrator</p> <p><u>111 First Street</u></p> <p>Address of Designated Bearer, Agent, or Administrator</p> <p><u>Bryant</u> <u>AR</u> <u>72022</u></p> <p>City State Zip Code</p>
<p>Box 5: REQUIRED ABSENTEE VOTER STATEMENT</p> <p style="font-size: small;">THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.</p> <p style="text-align: right; font-size: small;">YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!</p> <p>Signature of Absentee Voter _____</p>	

*If you are a US Citizen living outside the United States or an Absent Uniformed Services Voter living outside your county (as described in the enclosed instructions).

DEFS_066960

Exercise A - Processing Absentee Ballots – Scenario 3

ARKANSAS APPLICATION FOR ABSENTEE BALLOT

Revised 09/2021

TO COUNTY CLERK: Saline County Clerk
215 N. Main St.
Benton, AR

FOR OFFICE USE ONLY
 DATE: _____
 REGISTRANT ID: _____
 PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

- PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:
 - I will be unavoidably absent from my polling site on Election Day, OR
 - I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 - I am a resident of a long-term care or residential facility licensed by the state.
- PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:
 - I currently reside within the county in which I am registered to vote.
 - I currently reside outside of the county in which I am registered to vote.
 - I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 - I am an active service member of the United States armed services (UOCAVA).
 - I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).
- PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:
 - Preferential Primary/Nonpartisan Judicial General (held in the spring of even-numbered years).
 - Party Preference (Circle One): Democratic Republican Nonpartisan (You will be sent a Judicial ballot only)
 - November General Election/Nonpartisan Judicial Runoff
 - Annual School Election
 - Special Election to be held on _____ (Date)

You may qualify for:

- All elections for one calendar year (i.e., today's date through December 31st of the current year).
 - In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.
- All elections through the next Federal General Election Cycle.
 - In order to qualify for this option, you must be a UOCAVA voter (See Section 2 above).

- PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:
 - I will pick up my ballot from the office of the county clerk.
 - Email (available for UOCAVA voters only). My email address is: _____
 - Mail. Please send my ballot to the following address: _____

Picked up via Designated Bearer, Administrator, or Authorized Agent:

Daniel Shultz Daniel Shultz
 Printed Name of Bearer/Administrator/Agent Signature of Bearer/Administrator/Agent

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school election, special election, preferential primary election, or general election OR the 7 days before a runoff election. A bearer, administrator, or authorized agent must provide a current and valid photo ID to the county clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered to vote.

123 main st 11/19/68
 Residential Address of Absentee Voter Date of Birth of Absentee Voter
Bryant, AR 72022 501-123-4530
 City, State, and Zip Code Phone Number of Absentee Voter
Jonathan Davidson Jonathan Davidson
 Printed Name of Absentee Voter Signature of Absentee Voter

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of my Required Photo ID
 - See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST TIME VOTERS:
 If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

- My Ballot Only Envelope Containing my Marked Ballot

VOTER'S MAILING (Secondary) ADDRESS

USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2

Street Address / P.O. Box

City State Zip Code

<p>Box 1: VOTER'S PRINTED NAME</p> <p><u>Jon Davidson</u></p> <p>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p>Month Day Year</p> <p>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>
<p>Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS</p> <p>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT</p> <p><u>123 Main Street</u></p> <p>Street Address</p> <p><u>Bryant</u> <u>Arkansas</u> <u>72022</u></p> <p>City State Zip Code</p> <p>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p><u>Chris Madison</u></p> <p>Printed Name of Designated Bearer, Agent, or Administrator</p> <p><u>Chris Madison</u></p> <p>Signature of Designated Bearer, Agent, or Administrator</p> <p><u>234 River Ave</u></p> <p>Address of Designated Bearer, Agent, or Administrator</p> <p><u>Benton</u> <u>AR</u> <u>72220</u></p> <p>City State Zip Code</p>

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Jon Davidson
 Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

Scenario 3 Answer

- No DOB – Ballot cannot count if DOB was listed
- Voter Statement bearer names does NOT match Application
- Ballot is made Provisional

ARKANSAS APPLICATION FOR ABSENTEE BALLOT
(Revised 09/2021)

TO COUNTY CLERK: Saline County Clerk
215 N. Main St.
Benton, AR

FOR OFFICE USE ONLY
DATE: _____
REGISTRANT ID: _____
PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

1. PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:
 I will be unavoidably absent from my polling site on Election Day, OR
 I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 I am a resident of a long-term care or residential facility licensed by the state.

2. PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:
 I currently reside within the county in which I am registered to vote.
 I currently reside outside of the county in which I am registered to vote.
 I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 I am an active service member of the United States armed services (UOCAVA).
 I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).

3. PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:
 Preferential Primary/Non-partisan Judicial General (held in the spring of even-numbered years).
 Party Preference (Circle One): Democratic Republican Nonpartisan (You will be sent a Judicial ballot only).
 November General Election/Nonpartisan Judicial Runoff.
 Annual School Election.
 Special Election to be held on _____ (Date).

Your eligibility:
 All persons for one calendar year (i.e., today's date through December 31st of the current year).
 In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.
 All persons through the next Federal General Election Cycle.
 In order to qualify for this option, you must be a UOCAVA voter (See Section 2 above).

4. PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:
 I will pick up my ballot from the office of the county clerk.
 Email (available to UOCAVA voters only). My email address is: _____
 Mail. Please send my ballot to the following address:

 Picked up via Designated Bearer, Administrator, or Authorized Agent:
David Shultz Daniel Shultz
 Printed Name of Bearer/Administrator/Agent Printed Name of Bearer/Administrator/Agent

Notes: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school election, special election, preferential primary election, or general election OR the 7 days before a runoff election. A bearer, administrator, or authorized agent must provide current and valid photo ID to the county clerk and a postage meter, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under Federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered to vote.

123 main st
Residential Address of Absentee Voter
Bryant, AR 72022
City, State, and Zip Code

11/19/68
Date of Birth of Absentee Voter
501-123-4530
Phone Number of Absentee Voter
Jenatha Davidson
Signature of Absentee Voter

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of my Required Photo ID
 See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST-TIME VOTERS:
 If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor a current and valid photo identification card or a current utility bill, ballot statement, government check, paycheck, or other government document that shows my name and address. (Does not apply to UOCAVA voters).

VOTER'S MAILING (Secondary) ADDRESS
 USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2
 Street Address / Box _____
 City _____ State _____ Zip Code _____

3. My Ballot Only Envelope Containing my Marked Ballot

Box 1: VOTER'S PRINTED NAME <u>Jon Davidson</u> MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!	Box 2: VOTER'S DATE OF BIRTH 11 19 1968 Month Day Year MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!
Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT. <u>123 Main Street</u> Street Address <u>Bryant</u> <u>Arkansas</u> <u>72022</u> City State Zip Code MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!	Box 3: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service: <u>Chris Madison</u> Printed Name of Designated Bearer, Agent, or Administrator <u>Chris Madison</u> Signature of Designated Bearer, Agent, or Administrator <u>234 River Ave</u> Address of Designated Bearer, Agent, or Administrator <u>Benton</u> <u>AR</u> <u>72220</u> City State Zip Code



Box 5: REQUIRED ABSENTEE VOTER STATEMENT
 THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Jon Davidson
Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

DEFS_066962

Exercise A - Processing Absentee Ballots – Scenario 4

Jon Davidson <hr/> 125 Main Street <hr/> Bryant, AR 72022 <hr/>	 <p>OFFICIAL ELECTION MAIL Authorized by the U.S. Postal Service</p>	
<p style="text-align: center;">SALINE COUNTY CLERK 215 N. Main Street Benton, AR 72015</p> <p style="text-align: center; font-size: 2em; font-weight: bold; transform: rotate(-15deg);"> RETRIEVED FROM DEMOCRACY DESIGNATED BEARER </p> <p style="text-align: center;"> Chris Madison 234 River Ave. Benton </p>		

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

1. My completed Voter Statement (This piece of paper)
2. Copy of my Required Photo ID
See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST TIME VOTERS:

If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

3. My Ballot Only Envelope Containing my Marked Ballot

VOTER'S MAILING (Secondary) ADDRESS

USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2

Street Address / P.O. Box

City State Zip Code

<p>Box 1: VOTER'S PRINTED NAME</p> <p style="text-align: center; font-size: 1.2em;">Jon Davidson</p> <p style="text-align: center; font-size: 0.8em;">MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p style="text-align: center; font-size: 1.2em;">11 19 1968</p> <p style="text-align: center; font-size: 0.8em;">Month Day Year MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>
<p>Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS</p> <p style="font-size: 0.8em;">I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT</p> <p style="text-align: center; font-size: 1.2em;">123 Main Street</p> <p style="font-size: 0.8em;">Street Address</p> <p style="text-align: center; font-size: 1.2em;">Bryant Arkansas 72022</p> <p style="font-size: 0.8em;">City State Zip Code</p> <p style="text-align: center; font-size: 0.8em;">MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p style="text-align: center; font-size: 1.2em;">Daryl Shelts</p> <p style="font-size: 0.8em;">Printed Name of Designated Bearer, Agent, or Administrator</p> <p style="text-align: center; font-size: 1.2em;">Daniel Shelts</p> <p style="font-size: 0.8em;">Signature of Designated Bearer, Agent, or Administrator</p> <p style="text-align: center; font-size: 1.2em;">111 First Street</p> <p style="font-size: 0.8em;">Address of Designated Bearer, Agent, or Administrator</p> <p style="text-align: center; font-size: 1.2em;">Bryant AR 72022</p> <p style="font-size: 0.8em;">City State Zip Code</p>

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Jon Davidson



Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

Scenario 4 Answer

- Designated Bearer on Envelope Does NOT Match the Voter Statement
- Ballot Must Be Made Provisional

Jon Davidson
 123 Main Street
 Bryant, AR 72022

SALINE COUNTY CLERK
 215 N. Main Street
 Benton, AR 72015

DESIGNATED BEARER
 Chris Madison
 234 River Ave.
 Benton

RETRIEVED FROM DAILY VOTER ID SYSTEM

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

1. My completed Voter Statement (This piece of paper)
2. Copy of my Required Photo ID
See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST TIME VOTERS:
If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

3. My Ballot Only Envelope Containing my Marked Ballot

VOTER'S MAILING (Secondary) ADDRESS

USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2

 Address / P.O. Box

 State Zip Code

<p>Box 1: VOTER'S PRINTED NAME</p> <p style="text-align: center;"><i>Jon Davidson</i></p> <p style="text-align: center;"><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p style="text-align: center;"> 1 19 1968 Month Day Year </p> <p style="text-align: center;"><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>
<p>Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS</p> <p style="text-align: center;"><small>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT</small></p> <p style="text-align: center;"><i>123 Main Street</i></p> <p>Street Address</p> <p><i>Bryant</i> <i>Arkansas</i> <i>72022</i> City State Zip Code</p> <p style="text-align: center;"><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p style="text-align: center;"><i>Darrel Shultz</i></p> <p>Printed Name of Designated Bearer, Agent, or Administrator</p> <p style="text-align: center;"><i>Daniel Shultz</i></p> <p>Signature of Designated Bearer, Agent, or Administrator</p> <p style="text-align: center;"><i>111 First Street</i></p> <p>Address of Designated Bearer, Agent, or Administrator</p> <p><i>Bryant</i> <i>AR</i> <i>72022</i> City State Zip Code</p>

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Jon Davidson

Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

Exercise A - Processing Absentee Ballots – Scenario 5

ARKANSAS APPLICATION FOR ABSENTEE BALLOT

Revised 09/2021

TO COUNTY CLERK: Saline Co. Clerk
215 N. Main Street
Benton, AR

FOR OFFICE USE ONLY

DATE: _____

REGISTRANT ID: _____

PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

- PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:
 - I will be unavoidably absent from my polling site on Election Day, OR
 - I will be unable to attend the polls on Election Day because of an illness or physical disability, OR
 - I am a resident of a long-term care or residential facility licensed by the state.
- PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:
 - I currently reside within the county in which I am registered to vote.
 - I currently reside outside of the county in which I am registered to vote.
 - I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).
 - I am an active service member of the United States armed services (UOCAVA).
 - I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).
- PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:
 - Preferential Primary/Nonpartisan Judicial General (held in the spring of even-numbered years).
 - Party Preference (Circle One): Democratic Republican Nonpartisan (You will be sent a Judicial ballot only)
 - November General Election/Nonpartisan Judicial Runoff
 - Annual School Election.
 - Special Election to be held on _____ (Date).

You may qualify for:

- All elections for one calendar year (i.e., today's date through December 31st of the current year).
 - In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.
- All elections through the next Federal General Election Cycle.
 - In order to qualify for this option, you must be a UOCAVA voter (See Section 2 above).

4. PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:

- I will pick up my ballot from the office of the county clerk.
- Email (available for UOCAVA voters only). My email address is: _____
- Mail. Please send my ballot to the following address:
123 Main St
Bryant, AR 72022
- Picked up via Designated Bearer, Administrator, or Authorized Agent:

Printed Name of Bearer/Administrator/Agent _____ Signature of Bearer/Administrator/Agent _____

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a school election, special election, preferential primary election, or general election OR the 7 days before a runoff election. A bearer, administrator, or authorized agent must provide a current and valid photo ID to the county clerk and must sign the register, under oath, when picking up or delivering an absentee ballot.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered to vote.

123 Main St.
 Residential Address of Absentee Voter
Bryant, AR 72022
 City, State, and Zip Code
Jonathan Davidson
 Printed Name of Absentee Voter

11/19/68
 Date of Birth of Absentee Voter
501-123-4530
 Phone Number of Absentee Voter
Jonathan Davidson
 Signature of Absentee Voter

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

- My completed Voter Statement (This piece of paper)
- Copy of my Required Photo ID
 - See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST TIME VOTERS:

If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

VOTER'S MAILING (Secondary) ADDRESS

USE ONLY IF YOU REQUESTED YOUR BALLOT BE MAILED TO AN ADDRESS OTHER THAN YOUR RESIDENTIAL ADDRESS LISTED IN BOX 2

Street Address / P.O. Box _____

City _____ State _____ Zip Code _____

- My Ballot Only Envelope Containing my Marked Ballot

<p>Box 1: VOTER'S PRINTED NAME</p> <p><u>Jon Davidson</u></p> <p>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p><u>11 19 1968</u></p> <p>Month Day Year</p> <p>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>
<p>Box 2: VOTER'S RESIDENTIAL VOTING ADDRESS</p> <p>I CERTIFY THIS IS THE PHYSICAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT</p> <p><u>P.O. Box 310</u></p> <p>Street Address</p> <p><u>Bryant</u> <u>Arkansas</u> <u>72021</u></p> <p>City State Zip Code</p> <p>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p>Printed Name of Designated Bearer, Agent, or Administrator _____</p> <p>Signature of Designated Bearer, Agent, or Administrator _____</p> <p>Address of Designated Bearer, Agent, or Administrator _____</p> <p>City _____ State _____ Zip Code _____</p>

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

Jonathan Davidson
 Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

Scenario 5 Answer

- Voter Statement Residential Address does NOT match Application
- Ballot Cannot be Counted

ARKANSAS APPLICATION FOR ABSENTEE BALLOT
Revised 09/2021

TO COUNTY CLERK: Saltine Co. Clark
215 N. Main Street
Benton, Ark

FOR OFFICE USE ONLY

DATE: _____
REGISTRANT ID: _____
PRECINCT: _____

INSTRUCTIONS TO VOTER: PLEASE MAKE ONLY ONE SELECTION FOR SECTIONS ONE (1) THROUGH FOUR (4).

1. PLEASE SELECT A REASON FOR REQUESTING AN ABSENTEE BALLOT:

I will be unavoidably absent from my polling site on Election Day. OR

I will be unable to attend the polls on Election Day because of an illness or physical disability, OR

I am a resident of a long-term care or residential facility licensed by the state.

2. PLEASE SELECT FROM THE FOLLOWING OPTIONS CONCERNING YOUR RESIDENCE:

I currently reside within the county in which I am registered to vote.

I currently reside outside of the county in which I am registered to vote.

I am a United States citizen residing outside of the territorial limits of the United States (UOCAVA).

I am an active service member of the United States armed services (UOCAVA).

I am a spouse or dependent of an active service member of the United States armed services (UOCAVA).

3. PLEASE SELECT THE ELECTION IN WHICH YOU WISH TO CAST AN ABSENTEE BALLOT:

Preferential Primary/Nonpartisan Judicial General (held in the spring of even-numbered years).

November General Election/Nonpartisan Judicial Runoff.

Annual School Election.

Special Election to be held on _____ (Date).

You may qualify for:

All elections for one calendar year (i.e., today's date through December 31st of the current year).

In order to qualify for this option, you must be a voter with a disability, in a long-term or residential care facility, or living outside of the county in which you are registered to vote.

All elections through the next Federal General Election Cycle.

In order to qualify for this option, you must be a UOCAVA voter. (See Section 2 above).

4. PLEASE SELECT HOW YOU WISH TO RECEIVE YOUR BALLOT:

I will pick up my ballot from the office of the county clerk.

Email (available for UOCAVA voters only). My email address is: _____

Mail. Please send my ballot to the following address:
123 Main St.
Benton, AR 72022

Picked up by Designated Bearer, Administrator, or Authorized Agent:

Printed Name of Designated Bearer, Administrator, or Agent: _____
Signature of Bearer/Administrator/Agent: _____

Note: A designated bearer may obtain or deliver absentee ballots for no more than two (2) voters per election and may only do so within the 15 days before a regular election, special election, preferential primary election, or general election OR the 7 days before a runoff election. A bearer, administrator, or authorized agent must provide a current and valid photo ID to the county clerk and must sign the register, under oath, when picking up or delivering a ballot.

The information I have provided is true to the best of my knowledge, under penalty of perjury. If I have provided false information, I may be guilty of perjury and subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal law. I certify under penalty of perjury that I am registered to vote, and that I am the person who is registered to vote.

123 Main St.
Residential Address of Absentee Voter

Benton, AR 72022
City, State, and Zip Code

Jonathan Davidson
Printed Name of Absentee Voter

11/19/68
Date of Birth of Absentee Voter

501-123-4530
Phone Number of Absentee Voter

Jonathan Davidson
Signature of Absentee Voter

ABSENTEE VOTER STATEMENT

THIS VOTER STATEMENT SHALL BE COMPLETED AND RETURNED IN THE MAILING ENVELOPE OR THE ABSENTEE BALLOT WILL NOT BE COUNTED

INCLUDE THE FOLLOWING ITEMS IN THE OUTER MAILING ENVELOPE:

1. My completed Voter Statement (This piece of paper)
2. Copy of my Required Photo ID
See instructions for a list of approved photo IDs

SPECIAL REQUIREMENT FOR SOME FIRST TIME VOTERS:
If I am a newly registered voter of this county and this is the first time I am voting in this county (and I did not include my Ark. driver's license number, the last 4 digits of my social security on my application, nor did I provide qualifying document described here), I am enclosing a copy of a current and valid photo identification card or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. [Does not apply to UOCAVA voters.]

3. My Ballot Only in Mailing Envelope Containing my Marked Ballot

<p>Box 1: VOTER'S PRINTED NAME</p> <p style="text-align: center;"><u>Jon Davidson</u></p> <p style="text-align: center;"><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 3: VOTER'S DATE OF BIRTH</p> <p style="text-align: center;"><u>11 19 1968</u></p> <p style="text-align: center;"><small>Month Day Year</small></p> <p style="text-align: center;"><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>
<p>Box 2: VOTER'S RESIDENTIAL ADDRESS</p> <p style="text-align: center;"><small>I CERTIFY THIS IS THE RESIDENTIAL ADDRESS (IN ARKANSAS) AT WHICH I RESIDE* AND IS THE SAME ADDRESS I LISTED ON MY APPLICATION FOR AN ABSENTEE BALLOT</small></p> <p style="text-align: center;"><u>P.O. Box 310</u></p> <p style="text-align: center;"><small>Street Address</small></p> <p style="text-align: center;"><u>Benton Arkansas 72021</u></p> <p style="text-align: center;"><small>City State Zip Code</small></p> <p style="text-align: center;"><small>MUST COMPLETE FOR YOUR BALLOT TO BE COUNTED!</small></p>	<p>Box 4: Complete this Box if Your Ballot is Delivered by Any Third Party Other Than a Mail Service:</p> <p>Printed Name of Designated Bearer, Agent, or Administrator: _____</p> <p>Signature of Designated Bearer, Agent, or Administrator: _____</p> <p>Address of Designated Bearer, Agent, or Administrator: _____</p> <p>City State Zip Code: _____</p>

Box 5: REQUIRED ABSENTEE VOTER STATEMENT

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Jonathan Davidson
Signature of Absentee Voter

YOU MUST SIGN HERE AND PLACE THIS FORM IN THE OUTER MAILING ENVELOPE FOR YOUR VOTE TO BE COUNTED!

Exhibit 17

RETRIEVED FROM DEMOCRACYDOCKET.COM

COUNTY BOARD OF ELECTION COMMISSIONERS PROCEDURES MANUAL



Prepared and Provided by the:
State Board of Election Commissioners
501 Woodlane, Suite 122 South
Little Rock, AR 72201
501-682-1834
1-800-411-6996
Website: www.arkansas.gov/sbec
E-mail: INFO.SBEC@arkansas.gov

(2022 Edition)

Electronic Vote Tabulating Devices:

If a county uses a paper ballot voting system that includes an electronic vote tabulating device at each poll, the device must be programmed to reject overvoted ballots so that the voter has the opportunity to correct the ballot before the ballot is cast. [A.C.A. § 7-5-604(a)(5)(A), (6)(A)]

Central Count/Count by Hand:

If a paper ballot voting system provides for votes to be counted at a central counting location or by hand at the polling sites, the county board of election commissioners must provide a voter education program to inform voters about the consequences of overvoting and how to correct the ballot before it is cast. [A.C.A. § 7-5-604(a)(6)(C)]

Custody

The county board of election commissioners has complete control and supervision of voting machines and electronic vote tabulating devices at all elections, but the county clerk has supervision of machines and devices used for early voting in the clerk's designated early voting location. [A.C.A. § 7-5-301(k), (l)]

The county board is responsible for the proper preparation, use, maintenance, and care of all voting machines and electronic vote tabulating devices during the period of time required for an election. [A.C.A. § 7-5-301(m)(2)]

The county board has the care and custody of all voting machines and electronic vote tabulating devices while not in use. [A.C.A. § 7-5-301(m)(1)]

TRAINING

Mandatory Statewide

The State Board of Election Commissioners is required to train and test county election commissioners and county election coordinators, and coordinate training for poll workers and county clerks or the county clerk's designee before every preferential primary election [Act 1051 of 2021]

In complying with this statutory requirement, the State Board develops and revises training materials every two (2) years following regular legislative sessions to reflect election law changes. The State Board also develops procedures for conducting training, monitoring attendance, and determining the method and amount of compensation for county election commissioners, for county trainers, and for poll workers. [A.C.A. §§ 7-4-101(f)(2), (3); 7-4-109(e)]

STATE BOARD RULES AND GUIDELINES ON TRAINING AND COMPENSATION

The State Board of Election Commissioners' rules for county election commissioners training, rules for poll worker and county clerk training, guidelines addressing training compensation for county election commissioners, and guidelines on training compensation for trainers and poll workers are available on the State Board's website at www.arkansas.gov/sbec.

County Election Commissioners:

The State Board provides each member of the county board of election commissioners with a copy of this comprehensive procedures' manual developed and published by the State Board as a valuable resource and reference guide to assist county boards in fulfilling its statutory duties and its responsibility to conduct fair, orderly, and legal elections.

Each county election commissioner is required to attend training provided by the SBEC prior the preferential primary election. Following this training, the commissioner must take a test covering the essential skills and knowledge associated with being a county election commissioner. If the commissioner passes this test the commissioner will be certified and will be eligible to receive a \$300 stipend for having completed the certification program. The commissioner must also serve until the certification of the preferential primary to receive the stipend. A commissioner who does not pass the test will still hold office, however, the commissioner will not receive the \$300 stipend.

COMMISSION CHECKLIST

The State Board of Election Commissioners has provided three (3) separate checklists in the Forms & Instructions section in the back of this manual as tools to assist the county election commissions with monitoring timely completion of its various duties and responsibilities during each election process.

County Clerks:

The law requires that each county clerk or a person designated by the county clerk, attend election training coordinated by the state board prior to the preferential primary election. The SBEC is required to administer the test to the county clerks or their designee; however, the clerk's ability to train his or her personnel is not contingent on the passage of the test. Also, a deputy county clerk, employee of the county clerk, or other worker who will assist with early voting may be trained by the county clerk or the clerk's designee. If the clerk appoints a designee, the clerk will be notified should the designee fail to pass the test. [A.C.A. §§ 7-4-109(e) as amended by Act 1051 of 2021]

Monitors:

The state board has the authority to appoint election monitors upon proper request to observe election processes. The law requires that each election monitor attend election training coordinated by the state board prior to the preferential primary election for the purpose of being trained, tested, and certified by the State Board. Certified monitors will also receive specific instructions related to their duties prior to serving. [A.C.A. §§ 7-4-101(f)(6); SBEC Rules for Appointment of Certified Election Monitors § 1004]

Poll Workers:

The State Board's procedure for training poll workers requires, prior to every preferential primary, that each county board designate two (2) qualified electors of its county to attend training conducted by the State Board for the purpose of being trained, tested, and certified by the State Board to train poll workers locally.

The law requires that for a regularly scheduled preferential primary election **all poll workers** must have attended training conducted by a State Board-certified trainer. All poll workers must have received the required training within twelve (12) months of the election they are working. [A.C.A. §§ 7-4-107(b)(2); 7-4-109(e)(1)]

The State Board provides each trainer with a PowerPoint slide presentation and with the equivalent of six (6) poll worker training guides per poll developed and published by the State Board for distribution to the county's poll workers who attend local training conducted by the county's State Board-certified trainers. Materials related to voting system training may be amended to fit the specific circumstances of a particular county. Training materials containing supplemental procedures not addressed by materials provided by the State Board may also be used. However, if a county wants to use its own materials or make changes to the SBEC training material other than adding local supplemental procedures the county must have prior written approval from the SBEC. [SBEC Rules for Poll Worker & County Clerk Training § 207]

The training guides describe poll worker duties and responsibilities on election day and provide sample forms for gathering information on election day for legally required reporting on the conduct of elections. The State Board also provides a variety of Quick Guides for fast and easy reference on handling common election day procedures.

All poll workers must attend the basic training curriculum. If the poll worker passes an examination of essential skills following the training, the poll worker will be eligible to receive a \$35 stipend. At least 2 poll workers per poll including the poll supervisor must also receive the advanced training curriculum. If the poll worker passes the examination of essential skills following the advanced training, the poll worker will be eligible to receive a \$55 stipend.

CANDIDATES

For more information on candidate qualification, filing dates and filing procedures see the Running for Public Office handbook produced by the State Board of Election Commissioners.

Multiple Candidacies

Allowed:

A person may run for President/Vice President and the U.S. Senate or U.S. House of Representatives in the same primary or general election. [A.C.A. §§ 7-8-303(b)]

Prohibited:

A person who files as a candidate for nomination by a political party is ineligible to be the nominee of any other political party for the same office during the primary election or the following general or special election and ineligible to be an independent or write-in candidate for the same office at the general or special election. [A.C.A. §§ 7-7-204(a); 14-42-206(b)(6)]

A person who is certified as an independent candidate is ineligible to be a write-in candidate or the nominee of any political party for the same office at the same general or special election. [A.C.A. § 7-7-204(b)]

ABSENTEE AND EARLY VOTING

County Clerk's Authority

The county clerk has statutory authority over the issuance and receipt of absentee ballot as well as over any early voting conducted by the clerk. *[A.C.A. § 7-5-401(a)]*

The county clerk who conducts early voting must be furnished a suitable room at the county courthouse or other location designated for absentee and early voting. *[A.C.A. § 7-5-401(b)]*

In counties with dual county seats, the county clerk must conduct absentee voting in the courthouse or other room provided by the county and conduct early voting in each county seat if the county clerk conducts early voting under Ark. Code Ann. § 7-5-418. *[A.C.A. § 7-5-401(c)]*

The county board of election commissioners is responsible for counting legally cast absentee ballots and votes cast during early voting.

Early Voting

Conduct:

Except as otherwise provided by law, early voting must be conducted in the same manner as voting on election day. Conduct that is prohibited or restricted on election day is prohibited and restricted on the days that early voting is conducted. *[A.C.A. § 7-5-418(f)]*

Candidates as Observers at Early Voting:

A candidate may be present in person at early voting locations only to observe whether or not votes are fairly and accurately cast. A candidate present as an observer may not challenge voters as a poll watcher during early voting and may speak only to a designated poll worker.

A candidate who is present in person at an early voting location to observe may not speak to voters or disrupt the orderly conduct of the election.

A candidate who is a public official and who is present in person at an early voting location to observe shall not wear on his or her person any uniform, badge, or other apparel or equipment that identifies the candidate as a public official.

[A.C.A. § 7-5-413(d); SBEC Rules for Poll Watchers, Vote Challenges, and Provisional Voting]

Off-Site:

The county board of election commissioners is responsible for deciding whether to hold early voting at additional polling sites outside the county clerk's office. *[A.C.A. § 7-5-418(b)(1)(A)]*

If the county board votes to hold off-site early voting at one (1) or more conveniently located polling sites on all the days and times required by law for the county clerk, the county clerk may choose not to hold early voting in his or her office. *[A.C.A. § 7-5-418(b)(3)(B)]*

The county board must notify the county clerk of its decision to hold off-site early voting within ten (10) days of its decision. *[A.C.A. § 7-5-418(b)(3)(A)]*

The county clerk must notify the county board of his or her decision not to conduct early voting in his or her office within ten (10) days of receipt of the county board's notice of holding off-site early voting. [A.C.A. § 7-5-418(b)(3)(B)]

The county board determines, by unanimous vote, the location of off-site early voting polls. [A.C.A. § 7-5-418(b)(1)(B)]

Voting locations must adequately allow an early voter to personally and secretly execute his or her ballot. [A.C.A. § 7-5-418(e)] See *Advisory Standards 2015-001 and 2015-002*.

Dates and Times of Early Voting:

Preferential Primary and General Elections:

For the preferential primary and nonpartisan general elections held in May and for the general and nonpartisan general runoff elections held in November, early voting begins fifteen (15) days before the election from 8:00 a.m. to 6:00 p.m. on Monday through Friday, from 10:00 a.m. to 4:00 p.m. on Saturday, and ends at 5:00 p.m. on the Monday before the election. [A.C.A. § 7-5-418(a)(1)(A)]

If off-site early voting is held in addition to early voting conducted by the county clerk's office, off-site voting can take place on any Monday through Friday at any time between the hours of 8:00 a.m. and 6:00 p.m., on any Saturday at any time between the hours of 10:00 a.m. and 4:00 p.m. beginning fifteen (15) days before the election and ending no later than 5:00 p.m. on the Monday before the election. [A.C.A. § 7-5-418(b)(1)(A)]

Other Elections:

For general primary (primary runoff) elections held in June, general runoff elections held in December and special elections, early voting begins seven (7) days before the election during regular county clerk office hours and ends on the day before the election at the time the county clerk's office regularly closes. [A.C.A. § 7-5-418(a)(2)]

If off-site early voting is held in addition to early voting conducted by the county clerk's office, off-site voting can take place on any of the days and times during regular county clerk office hours beginning seven (7) days before the election and ending on the day before the election no later than the time the county clerk's office regularly closes. [A.C.A. § 7-5-418(b)(1)(A)]

Holidays:

Early voting shall not be held on state or county holidays. [A.C.A. § 7-5-418(a)(1)(B)]

Poll Workers:

The county board appoints poll workers for any off-site early voting polling site in the same manner as poll workers are appointed for election day. [A.C.A. § 7-5-418(b)(2)]

Public Notice:

At least eight (8) days before the beginning of early voting for the preferential primary and nonpartisan general elections held in May and the general and nonpartisan general runoff elections held in November; at least ten (10) days before primary runoff elections held in June,

general runoff elections held in December, and any special election; and again at least five (5) days before all elections, the county board must publish in a newspaper of general circulation in the county the places and times for early voting, along with all other public notices required by Ark. Code Ann. § 7-5-202. This notice includes, but is not limited to, the location where lists of appointed election officials can be found and when it is available and directions for filing a written objection to the service of the elected official. ** See Sample Notice of Election at www.arkansas.gov/shec/forms-checklists [A.C.A. § 7-5-202(a)(3), (b)(1) as amended by Act 448 of 2021]

Voting Machines:

The county board of election commissioners must place at least one (1) voting machine equipped for use by voters with disabilities at the county clerk's designated early voting location and at any off-site polling locations established by the county board. [A.C.A. §§ 7-5-413(a)(1); 7-5-418(a)]

Ballots, Machines, and Materials:

All voted ballots, all un-voted ballots, and all election materials at an off-site early voting location must be stored in a secure location in the county courthouse or in a secure location determined by the county board immediately after the poll closes each day that early voting is conducted at the off-site poll. [A.C.A. § 7-5-418(b)(5)]

At the close of each day of early voting and when early voting is concluded, the clerk at the county clerk's designated early voting location and poll workers at any off-site early voting poll must secure the voting machines against further voting. [A.C.A. § 7-5-413(b)]

After completion of the canvass of early votes cast by voting machines, the machines must be secured and remain inaccessible to voting. [A.C.A. § 7-5-413(c)(1)]

Absentee Voting

Rejected Absentee Applications:

The county clerk cannot send an absentee ballot to a voter if the signature on the absentee ballot application is not similar to the voter's signature in the voter registration file. Absentee applications that are rejected by the county clerk for other reasons, and for which the applicant cannot be reached for resolution, will be forwarded to the county board of election commissioners for determination as to whether the applicant is a qualified elector. [A.C.A. § 7-5-409(a)]

Dates:

Absentee voting begins no later than forty-six (46) days before the preferential primary and nonpartisan general elections held in May, the general and nonpartisan general runoff elections held in November, the annual school election held concurrently with either the preferential primary or the general elections, and any special elections. [A.C.A. § 7-5-407(a)]

Absentee voting begins no later than ten (10) days before the general primary (primary runoff) election held in June and the general runoff election held in December. [A.C.A. § 7-5-407(b)]

Ballots:

The county board is responsible for providing county clerks with ballots for absentee and early voting as soon as possible and no later than forty-seven (47) days or ten (10) days before an election, as the case may be. [A.C.A. §§ 7-5-211(c); 7-5-407]

Special Runoff Ballots:

The county board must also prepare a special absentee ballot for qualified electors of this state who are temporarily outside the territorial limits of the United States. This special absentee ballot must be marked “special runoff ballot” and shall permit the absentee voter to vote in the primary runoff election or general runoff election by indicating his or her order of preference for each candidate for each office. [A.C.A. § 7-5-406(c)]

The county clerk sends a special runoff ballot and instructions to eligible voters along with the absentee voter’s absentee ballot for the primary election and for the general election. [A.C.A. § 7-5-406(c)]

There is no special absentee runoff ballot for the runoff election held in November for judges and prosecutors. [A.C.A. § 7-5-406(c)(1)(B)]

Deadlines for Voters to Deliver Absentee Ballots to County Clerk:

Absentee ballots delivered to the county clerk in person by the voter, by a designated bearer, or administrator, must be received by the close of regular business hours on the Friday before the election to be counted. [A.C.A. § 7-5-411(a)(3) as amended by Act 973 of 2021]

Absentee ballots delivered to the county clerk by an authorized agent must be received by 7:30 p.m. on election day to be counted. [A.C.A. § 7-5-411(a)(2) as amended by Act 973 of 2021]

Except for absentee ballots of qualified electors outside the United States and of uniformed services personnel serving in active status and their dependents absent from the county due to this service, absentee ballots that are mailed must be received by the county clerk by 7:30 p.m. on election day to be counted. [A.C.A. § 7-5-411(a)(1)(A)]

Absentee ballots of qualified electors outside the United States on election day can be counted if the voter applied for the ballot at least thirty (30) days before the election, and the ballot is signed, dated, postmarked, and mailed no later than the day of the election and received by the county clerk no later than 5:00 p.m. ten (10) days after the election. [A.C.A. § 7-5-411(a)(1)(B)(i)]

Absentee ballots of active-duty uniformed services personnel will be counted if executed no later than the date of the election (postmark is not required) and received by the county clerk no later than 5:00 p.m. ten (10) days after election day. [A.C.A. § 7-5-411(a)(1)(B)(ii)]

Proper absentee ballots mailed in bulk by a hospital or an administrator of a long-term care or residential care facility licensed by the state are counted provided that the appropriate documentation is included, and that the ballots are timely received on election day. [A.C.A. § 7-5-411(a)(1)(C)]

Appointing Absentee Election Clerks:

The county board appoints absentee clerks to process, count, and canvass absentee ballots in the same manner and at the same time that poll workers are selected for election day. The absentee clerks must possess the same qualifications as the poll workers working election day polls. [A.C.A. § 7-5-414(b)(2)]

Public Notice:

At least eight (8) days before the beginning of early voting for a preferential primary and nonpartisan general elections held in May and general and nonpartisan general runoff elections held in November and at least ten (10) days before primary runoff elections held in June, general runoff elections held in December, and any special elections, the county board must give public notice in a newspaper of general circulation in the county. The notice must include the time and location of the opening, processing, canvassing, and counting of absentee and early voting ballots along with all other public notices required under A.C.A § 7-5-202. It also includes, but is not limited to, the location where a list of appointed election officials can be found and when it is available, and directions for filing a written objection to the service of the elected official. For counties that begin opening the “outer envelope” prior to election day, the notice must include the date, time and location of the opening. [A.C.A. §7-5-416(a)(2) as amended by Act 448 of 2021]

Verification of Voter Registration in Absentee Ballots

Absentee voters are required to verify their voter registration when they return their absentee ballot by including a copy of a photo ID which satisfies the requirement of Amendment 51 of the Arkansas Constitution. See page 41. Unless otherwise exempted, an absentee ballot which is returned and which does not include the required copy of the voter’s photo ID shall be considered a provisional ballot. Voters who are active duty members of the uniform services of the United States, the United States Merchant Marine, or the spouse or dependent of any such service member, who are absent from the country due to this service are not required to verify their voter registration. Voter who are a resident of a long-term care or residential care facility licensed by the state of Arkansas are not required to verify their voter registration so long as they provide documentation from the administrator of the facility attesting that the person is a resident of the facility.

If an absentee ballot is designated as a provisional ballot for lack of a valid photo ID, the provisional/absentee ballot may only be counted if the voter verifies their voter registration to the county clerk or county board of election commissions before 12:00 noon on the Monday following the election and there is no other legal basis requiring the ballot to not be counted. The voter must also be lawfully registered in that county and have voted on the correct ballot.

If a voter’s absentee ballot has been made provisional and that voter does not verify his or her voter registration following the election, that provisional absentee ballot will not be counted.

CANVASSING, COUNTING & UNOFFICIAL RESULTS

Open to Public

The counting of votes is open to the public. [A.C.A. §§ 7-5-312(c); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

Candidates in person or an authorized representative of a candidate or political party may be present at all counting locations to witness the counting of ballots to determine whether ballots are fairly and accurately counted. [A.C.A. §§ 7-5-312(c); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

Central Counting Location

Proceedings:

All proceedings at a central counting location are under the direction of the county board of election commissioners. [A.C.A. § 7-5-614(2)]

No person shall interfere with the officials lawfully conducting the election or the canvass. [A.C.A. § 7-1-103(a)(20)(g)]

No person except those employed and authorized for that purpose may touch any ballot or return. [A.C.A. § 7-5-615(b)]

Oath of Election Officials:

Election officials at the central counting location and all persons operating an electronic vote tabulating device must take the election officials' oath of office before beginning their duties. [A.C.A. § 7-5-615(c)]

Defective Ballots:

If a paper ballot cannot properly be counted by an electronic vote tabulating device due to damage or defect, the election officials must make a true duplicate ballot clearly labeled "duplicate" to be counted in the place of the defective ballot. [A.C.A. § 7-5-615(d)]

Countywide Total Comparison:

Before certifying the official election results, the county board must compile electronic countywide totals from the activation device used to collect votes from each voting machine and verify that they match manually compiled countywide totals from the polling locations' certified return records. [A.C.A. § 7-5-529]

Audit Log:

The county board shall produce an audit log for each voting machine used in the election. [A.C.A. § 7-5-530(a)]

Processing Absentee Ballots

GENERAL PROVISIONS

Processing, counting, and canvassing of absentee ballots is conducted under the supervision and direction of the county board of election commissioners in a place designated by the county board. [A.C.A. §§ 7-5-414(c); 7-5-416(a)(1)]

ELECTION NIGHT & POST ELECTION

The initial canvassing of absentee ballots is conducted by absentee ballot clerks appointed by the county board of election commissioners. Absentee ballot clerks work in teams of two and, if both absentee ballot clerks agree that the ballot is eligible to be counted, no further process is required. The commission may choose to conduct an additional review of ballots approved by the clerks. [A.C.A. § 7-5-416(b)]

The processing and counting of absentee and early votes is open to the public, and any candidate or qualified poll watcher may be present during the opening, processing, canvassing, and counting to challenge ballots and to observe the canvass of the results of the election for the purpose of determining whether or not votes are fairly and accurately counted. [A.C.A. §§ 7-5-312; 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-417(a); 7-5-527(a); 7-5-615(a)]

The county clerk is required to maintain a count of the number of absentee ballot applications that have been received and the number of actual absentee ballots that have been received. The clerk is also required to report these counts to the commission on a weekly basis or upon request. [See, A.C.A. § 7-5-416(a)(3)-(5)]

DELIVERY OF BALLOTS

The county clerk must deliver absentee ballots and related materials to the absentee ballot clerks at a time and place specified by the county board of election commissioners, up to seven (7) days before election day. The county clerk must also make a report accounting for absentee ballots sent, received and rejected, and deliver that report to the county board of election commissioners. [A.C.A. § 7-5-416 (a)(1)]

PROCESSING OF BALLOTS

Absentee and early voting ballots must be opened, processed, and counted *before* the polls close on election day. Election officials may begin processing the outer envelopes on the Tuesday before the election if approved. Opening of the inner ballot secrecy envelopes cannot happen until election day and results may not be released until the polls close. Absentee and early voting results should be uploaded to the Secretary of State's election night reporting system as soon as possible after the polls close. [A.C.A. §§ 7-5-416(a)(5) (d); 7-1-103(a)(22)]

ADDITIONAL RULES GOVERNING THE CANVASSING OF ABSENTEE BALLOTS

Absentee ballots mailed in bulk by a hospital, or an administrator of a long-term care or residential care facility licensed by the state must be counted if accompanied by proper paperwork and timely delivered. Absentee ballots mailed in bulk by anyone other than a hospital or an administrator of a long-term care or residential care facility licensed by the state cannot be counted. "Mailed in bulk" means that more than one absentee ballot and associated materials is returned though the mail in a single envelope. [A.C.A. § 7-5-411(a)(1)(C)]

The ballot of an absentee voter who dies before the polls open on election day can be counted if the ballot is signed, dated, postmarked, and mailed *before* the date of death, or, in the case of a military voter, executed before the date of death. [A.C.A. § 7-5-416(c)]

All absentee voters, except for uniformed service personnel serving on active status (and their dependents who are absent from the county due to this service, must include in the return envelope a qualifying ID the requirements for which are described in the *Rules for the Verification of Voter Registration*. A flagged voter has an alternative requirement and must include a copy of a

photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If an absentee voter does not submit this information with his or her ballot, then the ballot is considered as a provisional ballot. [A.C.A. §§ 7-5-412; 7-5-416(b)(1)(F)(iii)]

THE PROCESS OF CANVASSING ABSENTEE BALLOTS

Steps in Opening and Processing Absentee Ballots

The steps in opening and processing absentee ballots include:

1. One by one an election official (Clerk 1), while observed by another election official, opens the return (outer) envelope and verifies that the voter statement, identification and the ballot (inner) envelope have been properly placed in the return envelope.
 - If any documentation is missing, the absentee ballot must be set aside until 8:30a.m. on Election Day.
 - On election day, the absentee ballot must be canvassed using the following procedures for “Processing Ballots with Missing Documentation” on page 89.
2. If the voter statement and ID are in the return envelope separate from the inner “Ballot Only” envelope:
 - Clerk 1 reads aloud the voter’s name and precinct (or precinct part) from the voter statement.
 - Clerk 2 lists the name and precinct (or precinct part) of the voter.
 - The election officials compare the name, address, dates of birth and signature on the absentee ballot application against the same information on the voter statement.
 - If the Clerk 1 and Clerk 2 agree the name, address, date of birth, and signature compare, then the ballot moves forward in the process.
 - If one of the Clerks believes that one of these four data points does not compare, then the ballot must be set aside for review by the CBEC.
 - Consult the following SBEC recommended best practices for making this determination.
 - The election officials compare the name on the ID against the name on the voter statement.
 - The election officials compare the name and address of the bearer, agent or administrator written on the absentee ballot return envelope with any information that may be provided on the voter statement.
 - If everything is in order, place the unopened inner “Ballot Only” envelope into the absentee ballot box.

Repeat the process for each absentee voter whose materials are in order
[A.C.A. §7-5-416(b)]

Best Practice for Analyzing Four Absentee Ballot Data Points

VOTER'S NAME: The voter's name should be found comparable if it is sufficiently similar so that any discrepancies such as abbreviations, nicknames, or a change in a name are not so dissimilar that election officials are unable to determine that the two documents reflect different forms of a name belonging to the same individual. To be comparable, two names must have at least one component of the names being compared in common. In the event the voter's statement has no name printed in the designated box but does have a name printed on another location on the document, the absentee ballot clerks should compare the name, regardless of where it appears, to the name printed on the absentee ballots application.

VOTER'S ADDRESS: The voter's address should be found comparable if it is sufficiently similar so that any discrepancies such as abbreviations, variations in form, or other minor incongruities are not so dissimilar that election officials are unable to determine that the two documents reflect the same physical address.

VOTER'S DATE OF BIRTH: The voter's date-of-birth should be found comparable if the same month, date, and year are described in both documents. When comparing dates of birth where one or both dates are expressed using only numerals, the dates should be found comparable if one document expressed the date in a month/day/year form and the other document expressed the same date in the day/month/year form.

VOTER'S SIGNATURE: The voter's signature should be found comparable unless the signature on the voter's statement is sufficiently dissimilar to the signature on the absentee ballot application so that the reviewing officials are left with an abiding conviction that the signatures being compared are written by two different people.

If the reviewing officials rejects an absentee ballot on the basis of dissimilar signatures, then the officials should document in writing the reason the signature was found to not be comparable. The following, non-exhaustive, categories should be considered in this analysis:

- (1) Spacing (Overall Spacing and Internal Spacing of Words and Letters);
- (2) Type or Style of Writing;
- (3) Speed of Writing;
- (4) Size and Proportions of Words and Letters;
- (5) Spelling;
- (6) Slant of Writing;
- (7) Curves, Loops, and Cross-Points;
- (8) Presence or Absence of Pen Lifts; and
- (9) Beginning and Ending Strokes.

Processing Ballots with Missing Documentation (*can only be done after 8:30 a.m. on Election Day*):

Voter Statement in Inner Envelope: If the voter statement and/or ID are **NOT** in the return envelope separate from the inner “Ballot Only” envelope:

1. Clerk 1 removes the inner “Ballot Only” envelope from the outer return envelope and hands it to Clerk 2.
2. Clerk 2 inspects the inner “Ballot Only” envelope while being observed by Clerk 1 and removes the voter statement and identification documents, if found there, from the inner “Ballot Only” envelope and hands them to Clerk 1.
3. Clerk 2 returns the inner “Ballot Only” envelope and any found voter statement and identification documents to Clerk 1 and Clerk 1 places the inner “Ballot Only” envelope back into the outer return envelope.
4. Clerk 1 reads aloud from the voter statement, and regular processing procedures (see above) are followed.

[A.C.A. §§ 7-5-416(b)(1)(C) as amended by Act 736 of 2021; 7-5-416(b)(1)(D)]

No Voter Statement; No Photo ID; Information on Voter Statement Does Not Compare to Application (*can only be done after 8:30 a.m. on Election Day*):

- If a voter statement is not found, the ballot cannot be counted.
- If the election commission finds that the name, date of birth, address or signature on the voter statement do not compare to the corresponding information on the absentee ballot application, the ballot cannot be counted. This determination should not be made by an absentee ballot clerk, but by the election commission.
- If the return envelope does not contain the required photo identification document (and the voter is not exempt from the ID requirement) the ballot must be considered as a provisional ballot.

[A.C.A. §§ 7-5-416(b)(1)(H), 7-5-416(b)(1)(F)(ii) and 7-5-412]

Bearers, Agents, Administrators:

- If the county clerk indicates on the outer envelope that the ballot was returned by a bearer, agent or administrator, absentee ballot election officials must check the voter statement for the bearer/agent/administrator name, address and signature.
- If the voter has not authorized a bearer/agent/administrator on the voter statement, the election officials **DO NOT** count the ballot; they should repackage the material, note the reason the ballot was not counted and set it aside.
- If the return envelope indicates that the ballot was returned by a bearer/agent administrator, but the information written by the county clerk on the envelope does not match the bearer/agent/administrator information written on the voter statement, the ballot should be treated as a provisional ballot.

If the voter statement lists a bearer’s name and it **DOES NOT** match the information provided on the application for absentee ballot, the absentee ballot must be made provisional. [A.C.A. §§ 7-5-416(b)(1)(J); 7-5-416(b)(1)(G) as amended by Act 736 of 2021]

STORAGE OF ABSENTEE BALLOTS

The county clerk and deputy county clerks are prohibited from having access to absentee ballots or absentee ballot materials after the ballots have been transferred to the commission and the outer envelopes have been opened. The commission may grant the clerk or clerk's staff access for a specific purpose, but this grant must be given by an affirmative vote of the commission. [A.C.A. § 7-5-416(c)]

IMPORTANT: If the commission chooses to store absentee ballots in the county clerk's office, the commission must vote in a public meeting to grant the clerk and clerk's staff access to the absentee ballot materials for the purpose of securely storing those materials.

In addition, all ballots must be taken to and from the non-public storage area inside a secure container. This container may only be opened in a public area and all ballots must be sealed in a secure container prior to being removed from the public area. [Rules on Poll Watchers, Vote Challenges, and Provisional Voting §904(c)(2)]

PROVISIONAL ABSENTEE BALLOTS:

A provisional absentee ballot includes:

- An absentee ballot challenged by a poll watcher;
- An absentee ballot which fails to satisfy the ID requirement;
- An absentee ballot which is delivered by a bearer/agent/administrator for which the name and address of the bearer/agent/administrator written by the county clerk's office on the return envelope does not match the information contained in the voter statement; or
- Finally, under Act 736 of 2021, an absentee ballot for which a bearer's name listed on the absentee voter statement differs from a bearer's name listed on the absentee ballot application.

[A.C.A. §§ 7-5-417; 7-5-416(b)(1)(f)(iii); 7-5-416(b)(1)(G)]

Provisional absentee ballots become provisional during the processing of opening and canvassing the absentee ballot. These ballots can only be processed on Election Day. For an absentee ballot which becomes a provisional ballot, the absentee ballot canvassing official shall place the absentee ballot materials in a provisional voter envelope and should check the "Other" box and write the word "Absentee" next to the box marked "Other" on the form provided on the provisional ballot envelope. The absentee ballot canvassing official should also indicate the reason for making the absentee ballot provisional on the form provided on the provisional ballot envelope:

- When the absentee voter's voter statement is inconsistent with the absentee ballot return envelope with regard to the identity of a bearer or agent, the absentee ballot canvassing official should write "Inconsistent Bearer [or Agent] – Envelope/Statement" after the word "Absentee" next to the "Other" box on the provisional ballot envelope.
- When the absentee voter's voter statement is inconsistent with the absentee ballot application with regard to the identity of a bearer, the absentee ballot canvassing official should write "Inconsistent Bearer – Application/Statement" after the word "Absentee" next to the "Other" box on the provisional ballot envelope.

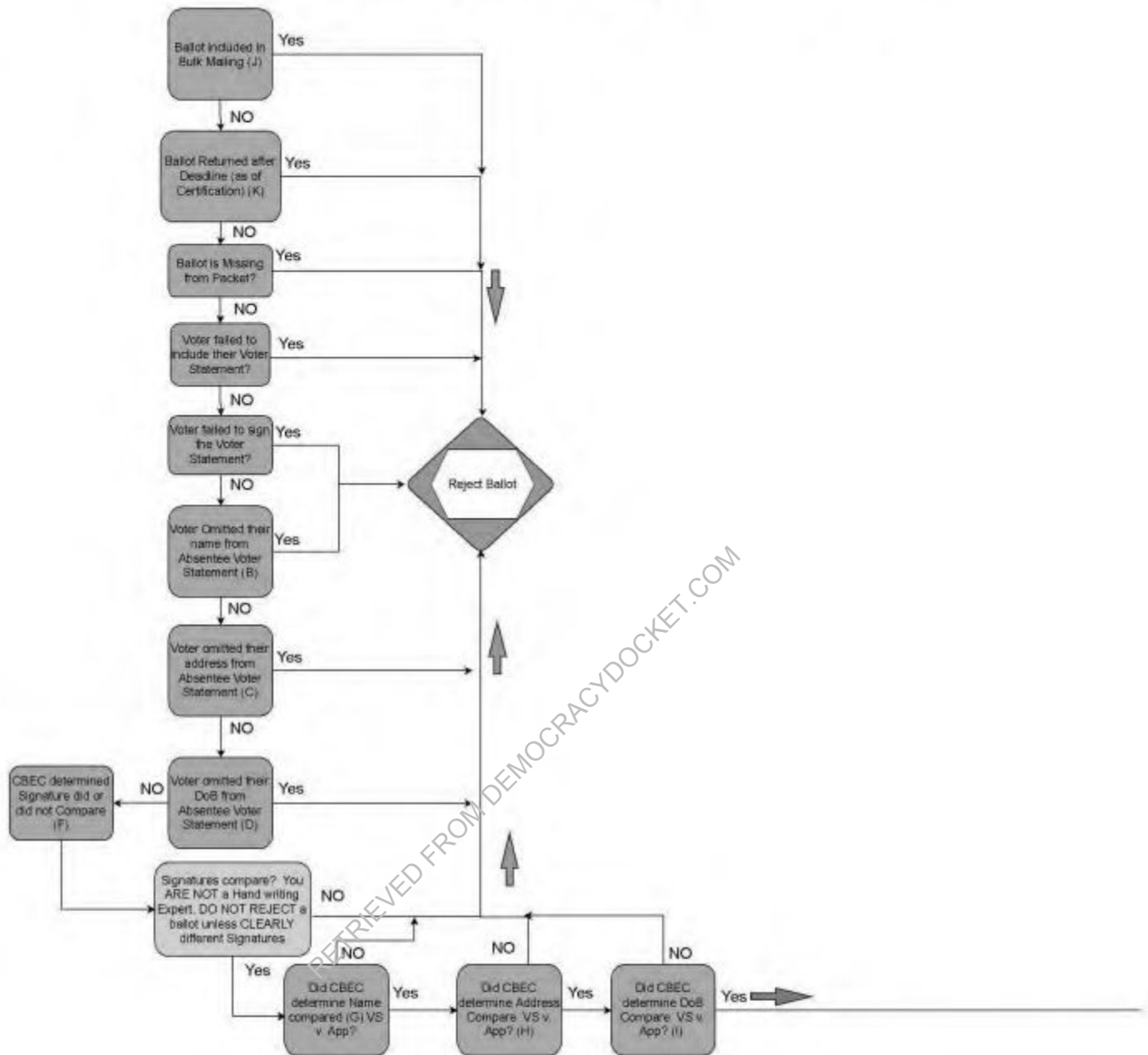
Remember, when the absentee voter's voter statement is inconsistent with the absentee ballot application the voter's ballot is not counted. See the following flowchart regarding how these determinations are made. [*Rules on Poll Watchers, Vote Challenges, and Provisional Voting §906(e)*]

Poll Watcher Challenge of an Absentee Ballot: A challenge must be made at the time the voter's name and voting precinct are read aloud by the election official. [*A.C.A. § 7-5-417*]

A poll watcher may request to inspect the absentee ballot voter statement and materials following the reading of the voter's name but may not obstruct the canvassing process. For more information regarding the inspection of absentee ballot materials by poll watchers, see the *Rules on Poll Watchers, Vote Challenges, and Provisional Voting §904(c)(1)(A)*.

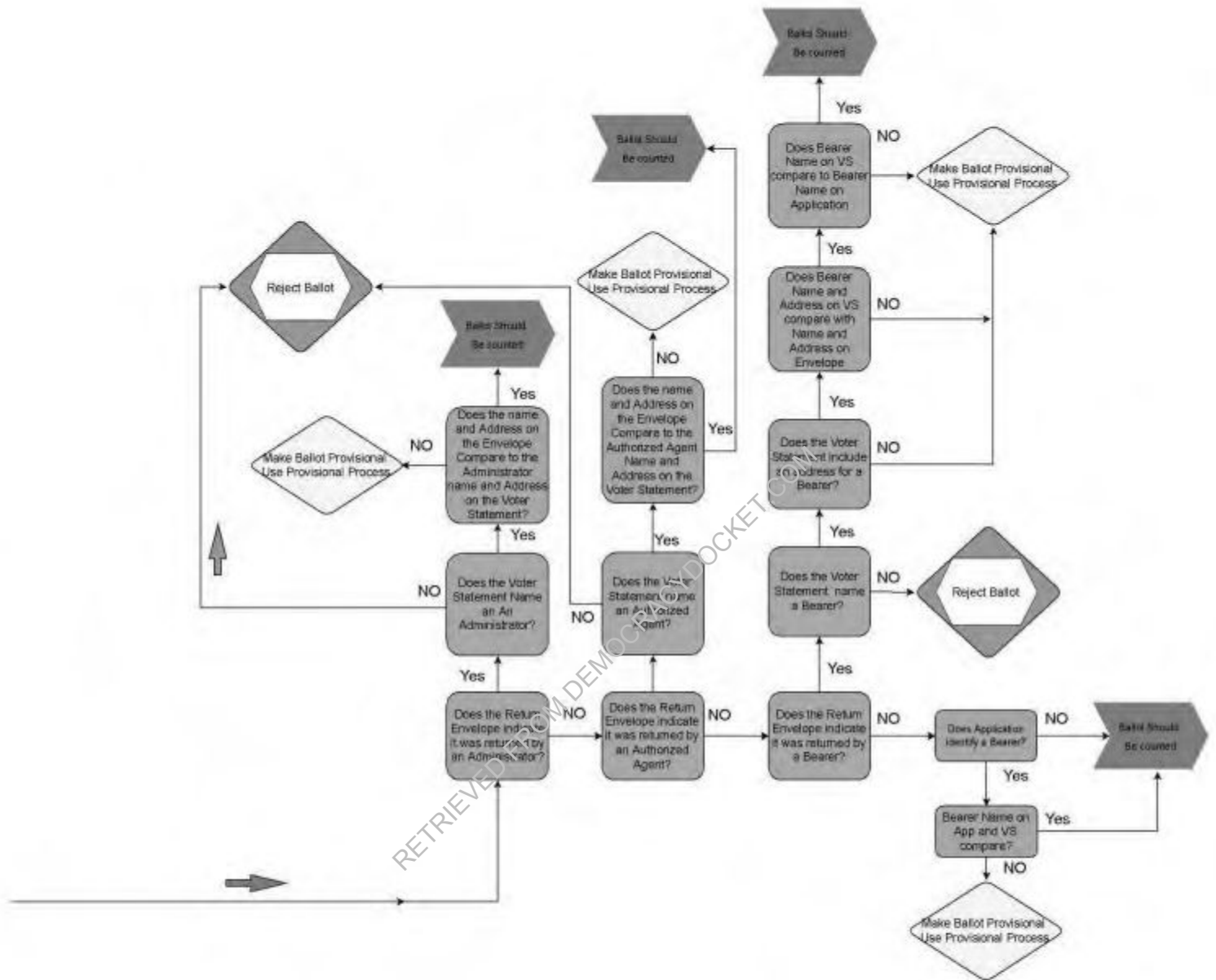
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Secondary Review for Ballots Rejected in Initial Canvassing Process (Does NOT include ID related issues) Page 1



Secondary Review for Ballots Rejected in Initial Canvassing Process (Does NOT include ID related issues) Page 1

Secondary Review for Ballots Rejected in Initial Canvassing Process (Does NOT Include ID related issues) Page 1



Secondary Review for Ballots Rejected in Initial Canvassing Process (Does NOT Include ID related issues) Page 2

Absentee Provisional Ballots – Canvassing Process

All absentee ballots which are designated as provisional in the absentee canvassing process must be converted to a provisional ballot by using the following steps:

STEP 1: Place the absentee ballot packet in a provisional ballot envelope.

STEP 2: Mark the reason that the absentee ballot was made provisional on the provisional ballot envelope. The official should remember that a provisional ballot may be provisional for multiple reasons. Each of these reasons must be reflected on the provisional ballot envelope. The provisions are marked using the following notations describing the reason the absentee ballot was made provisional:

- **Did not Provide Required Photo ID:**
 - Check the “other” box and write “absentee”
 - Check the “Failure to show a qualifying Photo ID” box.
- **Did not Provide Required alternative ID for a Flagged First time Voter:**
 - Check the “other” box and write “absentee”
 - Check the “First-time Voter Flagged to Show additional ID” box.
- **Absentee Ballot was Challenged:**
 - Check the “other” box and write “absentee”
 - Check the “Poll Watcher Challenge” box.
- **Absentee Ballot was Challenged:**
 - Check the “other” box and write “absentee”
 - Check the “Poll Watcher Challenge” box.
- **Name and Address of Bearer does not compare between the information on the outer envelope and the absentee ballot statement:**
 - Check the “Other” box and write “Absentee - Inconsistent Bearer – Envelope/Statement”
- **Name and Address of Agent does not compare between the information on the outer envelope and the absentee ballot statement:**
 - Check the “Other” box and write “Absentee - Inconsistent Agent – Envelope/Statement”
- **Name and Address of Administrator does not compare between the information on the outer envelope and the absentee ballot statement:**
 - Check the “Other” box and write “Absentee - Inconsistent Administrator – Envelope/Statement”
- **Name and Address of Bearer does not compare between the information on the absentee ballot application and the absentee ballot statement:**
 - Check the “Other” box and write “Absentee - Inconsistent Bearer – Application/Statement”

STEP 3: The Name, Address, Date of birth, and the precinct-part (ballot style) assigned to the absentee voter should be entered onto the provisional ballot envelope.

STEP 4: Place the Provisional Ballot Envelope containing all Absentee ballot materials associated with the ballot in question into a secured container only used to collect provisional absentee ballots to be returned to the CBEC.

Absentee Provisional Ballots – County Clerk Review Process

All absentee ballots which have been made provisional must be reviewed by the County Clerk to determine whether the ballot was cast by a registered voter and whether the ballot was the ballot style on which the voter was qualified to vote. The SBEC recommends completing this review by providing the clerk with a front and back facsimile of the provisional ballot envelope that contains the information stated above from the front of the provisional ballot envelope and provides the Certification document for the clerk to utilize on the reverse side. (An alternative would be to provide a copy of the absentee voter statement and a blank Certification page from the provisional ballot envelope.)

Absentee Provisional Ballots – CBEC Review Process

An absentee ballot may be made provisional for the failure to include a required photo ID and may be made provisional for one or more “general” provisional ballot reasons. The following steps describe the review process for each type of provisional absentee ballot:

ID RELATED PROVISIONAL ABSENTEE BALLOT

- STEP 1:** After 12:00 noon on the Monday following the election, obtain and compile a list of voters who exercised their ability to present a qualifying photo ID after they voted but before 12:00 noon on the Monday following the election to the County Clerk’s office or to the CBEC.
- STEP 2:** Evaluate all ID Related provisional ballots to determine whether those ballots appear on the list.
- Ballots which DO NOT appear on the list and which do not qualify for an exception outlined in the forgoing canvassing process SHALL BE REJECTED.
- STEP 3:** Determine whether there is any additional issue(s) under the “general provisional ballot” section which must be resolved.
- If so, each of these additional issues must be analyzed using the process outlined below to determine whether the ballots can be counted.
- STEP 4:** Determine whether the County Clerk’s review indicated the voter was registered to vote and voted on the correct ballot.
- **YES:** The ballot is eligible to be counted so long as there is no independent reason the ballot was made provisional which has not been reviewed.
 - **NO:** The Voter is entitled to appear in the hearing.
- STEP 5:** For the ballots set to be counted, remove the ballot secrecy envelope and place the envelope into a secure container. Once all ballots are canvassed, mix the ballot secrecy envelopes, remove the ballots, and count the ballots normally.
- STEP 6:** Send notice to the voter whose ballot was made provisional and inform the voter whether the ballot was counted.

GENERAL PROVISIONAL ABSENTEE BALLOT

- STEP 1: Preliminary Determination:** Prior to the Date and Time advertised in the notice of election for voters to appear before the CBEC to present evidence regarding why their provisional ballot should be counted, the CBEC must review the provisional absentee ballots determine whether, using the information available, the ballots can be counted.
- STEP 2: Standards of Review:** This review must apply the following process to the various categories of provisional absentee ballots.

Review of a General Provisional Ballot

Using the information supplied by the County Clerk, and any other information available, the CBEC must determine whether the voter:

- (1) was lawfully registered to vote,
- (2) cast a ballot on which the voter was qualified to vote, and
- (3) has not voted more than one time in this election.

Yes = The Ballot is Counted

No = The ballot is marked as rejected. (If the voter does not appear in the hearing then the rejection is final.)

IMPORTANT REMINDER

Failure to Satisfy Flagged First Time Voter - Registered by Mail ID Requirement

A provisional ballot in this category may only be rejected if the CBEC's determination that the voter failed to satisfy the requirements of a general provisional ballot was made on an independent basis and was not solely based on the voter's failure to include the Flagged First Time Voter ID documents.

The Name of the Bearer on the Voter Statement and the Absentee Ballot Application did not Compare

A provisional ballot in this category may only be rejected if the CBEC's determination that the voter failed to satisfy the requirements of a general provisional ballot was made on an independent basis and was not solely based on the failure of the bearer's name to compare between the absentee ballot application to the voter statement.

The Name and Address of the Bearer, Agent, or Administrator on the Voter Statement does not compare to the Name and Address on the Outer Envelope

A provisional ballot in this category may only be rejected if the CBEC's determination that the voter failed to satisfy the requirements of a general provisional ballot was made on an independent basis and was not solely based on the failure of the name and address of the Bearer/Admin/Agent to compare between the voter statement and the information on the outer envelope.

- STEP 3:** Ensure the voter has satisfied the id related provisional absentee ballot requirement if no exception applies.
- STEP 4: Provisional Ballot Hearing:** After the ballots have been reviewed and the CBEC has made its Preliminary determination regarding whether the ballots can be counted, the CBEC must allow the voter to appear at the time and place designated in the notice of election to present evidence regarding why their provisional ballot should be counted.
- STEP 5:** For the ballots set to be counted, remove the ballot secrecy envelope and place the envelope into a secure container. Once all ballots are canvassed, mix the ballot secrecy envelopes, remove the ballots, and count the ballots normally.
- STEP 6:** Send notice to the voter whose ballot was made provisional and inform the voter whether the ballot was counted.

**COMMISSION CHECKLIST
FOR
STATEWIDE SPECIAL ELECTIONS**
(Effective May 18, 2004; Revised November 2021)

This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to a statewide special election.

1. ___ Published the proclamation calling for the statewide special election as soon as practicable in a newspaper of general circulation in the county [*§7-11-202(b)*]
2. ___ **If applicable**, altered the boundaries of existing election precincts and established new ones by order
 - a) ___ **at least sixty (60) days before the election**
 - b) ___ recorded the board's order with the county clerk [*§7-5-101(a)(4)*] in order for the clerk to submit written, printed, and digital copies of the map and boundaries to the Secretary of State and Arkansas Geographical Information Systems Office [*§7-5-101(c)(1)(A)*]
3. ___ Ensured that all polling sites are the same as those established for the preceding general election or, **if applicable**, designated any new polling site(s) **at least thirty (30) days before the election** in a public meeting by unanimous vote [*§7-5-101(d)(2)(B)*]
 - a) ___ posted notice of any changes in polling sites at all previous polling sites used in the last election [*§7-5-101(d)(3)(A)*]
 - b) ___ provided polls accessible to voters with disabilities [*§7-5-311(a)*]
4. ___ **If applicable**, conducted early voting at additional polling sites outside the county clerk's office [*§7-5-418(b)(1)(A)*]
 - a) ___ determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [*§7-5-418(b)(1)(B)*]
 - b) ___ notified the county clerk of the board's decision **within ten (10) days of its decision** [*§7-5-418(b)(3)(A)*]
5. ___ Provided absentee ballots
 - a) ___ delivered the ballots to the county clerk **at least forty-seven (47) days before the election** [*§§7-5-211(c); 7-5-407(a)(2)*]
6. ___ Prepared paper ballots and voting machine ballot styles as provided by law [*§§ 7-5-208, 7-5-601, and 7-11-205*]
 - a) ___ certified the printed ballots and voting machine ballot styles before delivery to the county clerk prior to the start of absentee voting [*§7-5-512(a)*]
7. ___ Prepared voting machines upon the proper certification of the questions [*§7-5-515(a)*]
 - a) ___ published notice of the time and place of the voting machine preparation [*§7-5-516*]
8. ___ Tested and secured voting systems:
 - a) ___ conducted logic and accuracy (L&A) testing of voting machines and electronic vote tabulating devices as soon as the election media was prepared and no later than **seven (7) days prior to the start of early voting** [*§§7-5-515(c)(1); 7-5-611(a)(2)*]
 - b) ___ conducted public testing of voting machines and electronic vote tabulating devices in addition to L&A testing [*§ 7-5-611(b), 7-5-515(c)(2)*]

1. _____ gave public notice of the time and place of the test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or devices **at least forty-eight (48) hours before testing** [§§ 7-5-515(c)(2); 7-5-611(b)(1)]
- c) _____ ensured that paper ballot systems that include electronic vote tabulating device(s) were programmed to reject overvoted ballots [§7-5-604(a)(5)(B), (6)(B)]
- d) _____ certified the accuracy of the voting system by filing the test results with the county clerk and sending a copy of the electronic results to the Secretary of State [§§7-5-515(e); 7-5-611(c)]
- e) _____ after preparation, testing, and examination, secured the voting machines against further voting [§7-5-517(a)]
- f) _____ placed voting machine activation devices in a sealed package labeled with the serial number of the voting machine, the precinct location of the voting machine and the number registered on the protective counter [§7-5-517(b)]
- g) _____ certified, by machine serial number, the number registered on the protective counter of each voting machine and that all contest counters registered ZERO in the presence of the candidates or their representative, if in attendance [§7-5-517(c)]
- h) _____ secured voting machine activation devices until released for delivery to poll workers [§7-5-517(d)]
9. _____ Designated suitable times and places where voting machines will be exhibited for purpose of instruction
- a) _____ published notice of voting machine demonstration in newspaper at least **forty-eight (48) hours before** first demonstration [§7-5-509]
10. _____ Appoint election officials **at least twenty (20) days before the election** [§7-4-107(b)(1)]
- a) _____ selected and appointed a sufficient number of poll workers for each polling site (a minimum of two (2) election clerks, one (1) election judge, and one (1) election sheriff) [§7-4-107(b)(2)]
- b) _____ selected and appointed minority party poll worker(s) for each poll as provided by law [§7-4-107(b)(2)]
- c) _____ **if applicable**, appointed poll workers to adequately staff additional off-site early voting polling sites under the election commission's supervision [§7-5-418(b)(2)]
- d) _____ appointed absentee election clerks to process, count, and canvass absentee ballots [§7-5-414(a)]
- e) _____ confirmed that all poll workers have attended poll worker training [§7-4-107(b)(2)(c)]
11. _____ Published in a newspaper of general circulation in the county public notice of: the date of the election; the places and times for early voting; hours of voting on election day; polling sites, candidates and offices to be elected; the time and location of opening, processing, canvassing, and counting ballots; the time and location of opening, processing, canvassing, and counting early and absentee ballots; the location and date available of the list of appointed election officials and directions for filing a written objection to the service of an elected official.
- a) _____ by the deadline of **at least eight (8) days before the election** [§§7-5-202(a); 7-5-416(a); 7-11-303 as amended by Act 448 of 2021]
- b) _____ published a second publication **at least five (5) days before the election** [§§7-5-202(b); 7-5-416(a)(2); 7-11-303]
12. _____ Delivered at least one (1) voting machine equipped for use by individuals with

disabilities to the county clerk's designated early voting location and all off-site early voting polling locations **prior to the start of early voting** [§§7-5-413(a)(1); 7-5-418(a)(2)]

13. ____ Posted in a public place in the county clerk's office, the list of appointed election officials, including the names of election commissioners **at least eight (8) days before election day**. County Clerks must post a list of appointed election officials who will conduct early voting **at least eight (8) days before early voting**. [§7-5-202(b)(2) as amended by Act 448 of 2021].
14. ____ Posted a list at the door of the courthouse of all measures and questions to be submitted to the electors at the election **at least ten (10) days before the election** [§§7-5-206(b)(2); 7-11-303]
15. ____ If using paper ballots to be counted by hand or at a central counting location, developed a voter education program to inform voters about the consequences of overvoting and how to correct the ballot containing an overvote [§7-5-604(a)(5)(C), (6)(C)]
16. ____ **At least one (1) day before the election**, delivered ballots and supplies to persons designated by the commission to deliver to poll workers [§7-5-211(a)]
 - a) ____ provided sufficient quantities of ballots, voting booths, and voting machines for each polling site [§§7-5-310(a); 7-5-512(c); 7-5-602(a)]
 - b) ____ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d); 7-9-114(b)], including a poll workers' certificate to use on election day to record the exact time and number of votes shown on the public counters and to attest that voting machines were made inaccessible to voting at the official time for closing the polls and upon terminating of the voting by removing the activation devices [§7-5-526]
17. ____ Began opening the outer envelope, processing, and canvassing of absentee ballot paper work no earlier than the Tuesday before the election. Began counting absentee ballots **no earlier than 8:30 a.m.** on election day [§7-5-416(a)(1)]
18. ____ Received all election materials and returns from the poll workers **immediately after the polls closed** including one (1) copy of the certificate of election results and, if any, one (1) copy of tally sheets, and any reports of challenges to votes, if any [§7-5-317(b)]
 - a) ____ provided poll workers with a receipt for delivery of the sealed package containing the voting machine activation devices and certified return records [§7-5-527(e)]
19. ____ Reported the initial count of early and absentee votes to the Secretary of State as soon as practical after the polls closed [§ 7-5-416(a)(7)(B)]
20. ____ Declared preliminary and unofficial results of the election (including a statement of the number of outstanding absentee ballots of overseas voters) **immediately after the count of the votes was completed** on election day and reported the results to the county clerk for immediate transmission to the Secretary of State via the internet website provided by the Secretary of State [§7-5-701(a)(3)]
21. ____ Before certification of the results of the election
 - a) ____ reviewed and determined the validity of all provisional ballots [§§ 7-5-308(a), (e); 7-5-417(c)]
 - b) ____ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [§7-5-308(d)(2), Rule 906]

on Poll Watchers, Vote Challenges, and Provisional Voting]

- c) _____ counted all overseas absentee ballots that were properly executed and received by the county clerk **by 5:00 p.m. ten (10) calendar days after the election REGARDLESS** of whether they would change the outcome of the election
[\\$7- 5-411(a)(1)(B)]
- d) _____ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled countywide totals from the polling locations' certified return records *[\\$7-5-529]*
- e) _____ produced an audit log for each voting machine used in the election *[\\$7-5-530(a)]*
22. _____ Certified the official election results via the internet to the Secretary of State by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** *[\\$§7-5-701(a)(1); 7-5-707(a)]*
23. _____ Mailed to the Secretary of State certified copies of the abstract of the Election returns.
- a) _____ by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** *[\\$7-9-119(b)]*
- b) _____ filed a certificate detailing the result of the election with the county clerk *[\\$7-5-701(b)]*
24. _____ After certification
- a) _____ secured audit logs and voter-verified paper audit trails to **remain secure for two (2) years** *[\\$7-5-531(a)]*
- b) _____ secured all voting machines (voting machines to **remain secured for at least three (3) days** following election unless otherwise ordered *[\\$7-5-531(b)(1)]*
- c) _____ cleared the voting machines for future elections *[\\$7-5-531(b)(2)]*
- d) _____ preserved all ballots, certificates, and election materials *[\\$§ 7-5-531 and 7-5-702(a)]*
25. _____ **RECOUNT (if applicable)**
- a) _____ Conducted a recount upon a motion of the county board of election commissioners *[\\$7-5-319(b)]*
- b) _____ Opened the package containing the paper ballots and recounted the paper ballots
1. _____ in the same manner as the initial count unless the county board determines that the tabulating device may be malfunctioning *[\\$7-5-319(d)]*
 2. _____ if direct-recording electronic voting machines were used, recounted the ballots using the voter verified paper audit trail as the official ballot *[\\$7-5-319(c)]*
 - A. _____ manually added the total votes for each issue involved in recount from the voter-verified paper audit trail, OR
 - B. _____ counted by hand the votes for each issue involved in the recount from the voter-verified paper audit trail, OR
 - C. _____ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR
 - D. _____ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement
 3. _____ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law *[\\$§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702]*
 4. _____ certified the results of the last recount *[\\$7-5-319(b)]*

Exhibit 18

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**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**LEAGUE OF WOMEN VOTERS OF ARKANSAS,
et al.**

PLAINTIFFS,

v.

No. 5:20CV05174 PKH

**JOHN THURSTON, in his official capacity as
the Secretary of State of Arkansas, and
SHARON BROOKS, BILENDA HARRIS-RITTER,
WILLIAM LUTHER, CHARLES ROBERTS,
JAMES SHARP, and J. HARMON SMITH, in
their official capacities as members of the
Arkansas State Board of Election
Commissioners,**

DEFENDANTS.

**ARKANSAS STATE BOARD OF ELECTION
COMMISSIONERS' RESPONSES TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Arkansas State Board of Election Commissioners serve its responses and objections to Plaintiffs' First Set of Interrogatories without waiving any defenses that Defendants may have or hereafter assert in this action.

OBJECTIONS TO FORM OF INTERROGATORIES

Defendant objects to both the "definitions" and "instructions" portions of Plaintiffs' First Set of Interrogatories. Defendant will respond according to the *Federal Rules of Civil Procedure*, and to the extent Plaintiffs seek to place additional requirements on Defendant outside the *Federal Rules of Civil Procedure*, Defendant objects.

Moreover, Defendant objects to Plaintiffs' inclusion of general "definitions." The *Federal Rules of Civil Procedure* do not provide for general "definitions" that apply to individual interrogatories. Rather, the *Federal Rules of Civil Procedure* and this Court's *Local Rules* provide the responding party must respond to each individual interrogatory. "Definitions" cannot fix an otherwise objectionable interrogatory. Defendant will respond to each individual interrogatory pursuant to the *Federal Rules of Civil Procedure*. Defendant incorporates their objections to the "definitions" and "instructions" to each response to each interrogatory notwithstanding specific objections.

INTERROGATORY NO. 1: State the disposition of the absentee ballots for plaintiffs John McNee, Shirley Faye Fields, and Myra H. Tackett for the 2020 General Election, including whether they were counted and, if not counted, the reason(s) for their rejection.

RESPONSE TO INTERROGATORY NO. 1:

Defendant objects to the extent this request is aimed at information not within Defendant's knowledge. The Counties possess the requested information. It would be unduly burdensome for Defendant to gather the requested information from the Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

Subject to these objections, the State Board of Election Commissioners does not have any responsive information. The State Board of Election Commissioners does not process individual absentee ballots.

INTERROGATORY NO. 2: Identify the individuals responsible for the creation of any training materials provided by the State to assist with signature matching during the Relevant Time Period and, with respect to each individual, their relevant qualifications, including, but not limited to, educational or professional experience with handwriting analysis.

RESPONSE TO INTERROGATORY NO. 2:

Defendant objects to this Interrogatory because it is based on an improper premise. The statute at issue in this litigation does not require “matching” and no training materials assist any official with “signature matching.” Defendant rejects Plaintiffs’ use of “matching” as the standard.

Defendant objects to the “Relevant Time Period” definition. The definition of “Relevant Time Period” is unduly burdensome and not proportional to the needs of the case for two reasons. First, none of the Plaintiffs assert their ballots were rejected as far back as January 1, 2010. Second, Plaintiffs seek prospective injunctive relief.

Subject to these objections, the State Board of Election Commissioners staff prepares training materials for county election officials. As part of the training materials, the staff included a section relating to signature comparisons for the 2022 cycle. Director Daniel Shults prepared most of the 2020 Revision to the CBEC training materials, which includes the section on signature analysis with input and

edits from Jon Davidson and Chris Madison. Director Shults is a licensed attorney and was the attorney for the SBEC until his promotion to Director in 2018. Davidson is the Educational Services Manager for the State Board. His primary role is review and coordinating the publishing of training materials. Madison is an attorney; he provided editing and proofreading help.

INTERROGATORY NO. 3: For each state or federal Election in the Relevant Time Period, state or estimate the amount of resources, including financial resources and employee time, expended by the State and each of the Counties on administering Elections, including, but not limited to, on the processing of absentee ballots.

RESPONSE TO INTERROGATORY NO. 3:

Defendant objects to the “Relevant Time Period” definition. The definition of “Relevant Time Period” is unduly burdensome and not proportional to the needs of the case for two reasons. First, none of the Plaintiffs assert their ballots were rejected as far back as January 1, 2010. Second, Plaintiffs seek prospective injunctive relief.

Defendant further objects to the inclusion of Counties in this request. The Counties are separate governmental entities from the State. Documents or information provided by Counties are not in the possession, custody or control of the State. Defendant objects to the extent this request is aimed at items not in Defendant’s possession, custody, or control, and to which Defendant does not have access, whether the Counties are the custodians of such items or not. It would be unduly burdensome for Defendant to gather the requested information from the

Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

Subject to these objections, the State Board of Election Commissioners does not have responsive information in this level of detail. The State Board of Election Commissioners provides reimbursement processing and reimbursement of expenses for state-funded elections. State-funded elections include preferential primaries, special preferential primaries, general primaries, special general primaries, and statewide special elections. That data would provide overall expenses that are approved and included in the reimbursement rule published by the State Board of Election Commissioners. Attached are records of amounts for reimbursements sought by counties and amounts approved for reimbursement that are being produced in response to Plaintiffs Second Set of Requests for Production of Documents. These records include: itemized expense history documents, election expense sheets, operational expenses for the State Board of Election Commissioners, and documents reflecting county reimbursement for primaries.

INTERROGATORY NO. 4: For each year in the Relevant Time Period, state or estimate the amount of resources, including financial resources and employee time, expended by the State and each of the Counties on communications with voters regarding individual defects in any forms, ballots, or documents related to absentee voting submitted by voters to the State or Counties, including voter registration,

absentee ballot application, absentee ballot, provisional ballot, or other voting materials.

RESPONSE TO INTERROGATORY NO. 4:

Defendant objects to the “Relevant Time Period” definition. The definition of “Relevant Time Period” is unduly burdensome and not proportional to the needs of the case for two reasons. First, none of the Plaintiffs assert their ballots were rejected as far back as January 1, 2010. Second, Plaintiffs seek prospective injunctive relief.

Defendant further objects to the inclusion of Counties in this request. The Counties are separate governmental entities from the State. Documents or information provided by Counties are not in the possession, custody or control of the State. Defendant objects to the extent this request is aimed at items not in Defendant’s possession, custody, or control, and to which Defendant does not have access, whether the Counties are the custodians of such items or not. It would be unduly burdensome for Defendant to gather the requested information from the Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

Subject to these objections, the State Board of Election Commissioners does not process absentee ballots and does not have detailed information related to counties and their expenses beyond those allowable and reported for reimbursement during primaries. In response to this Interrogatory, the State Board of Election Commissioners refers to the documents described in response to Interrogatory No. 3.

INTERROGATORY NO. 5: For each year in the Relevant Time Period, state or estimate the amount of resources, including financial resources and employee time, expended by the State and Counties on canvassing absentee ballots prior to Election Day, and provide a breakdown of those hours by County.

RESPONSE TO INTERROGATORY NO. 5:

Defendant objects to the “Relevant Time Period” definition. The definition of “Relevant Time Period” is unduly burdensome and not proportional to the needs of the case for two reasons. First, none of the Plaintiffs assert their ballots were rejected as far back as January 1, 2010. Second, Plaintiffs seek prospective injunctive relief.

Defendant further objects to the inclusion of Counties in this request. The Counties are separate governmental entities from the State. Documents or information provided by Counties are not in the possession, custody or control of the State. Defendant objects to the extent this request is aimed at information not in Defendant’s possession, custody, or control, and to which Defendant does not have access, whether the Counties are the custodians of such items or not. It would be unduly burdensome for Defendant to gather the requested information from the Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

Subject to these objections, the State Board of Election Commissioners does not have this type of information. In response to this Interrogatory, the State Board of Election Commissioners refers to the documents described in response to

Interrogatory No. 3. These documents are related to reimbursable expenses the State Board Election Commissioners processes for counties' primary elections. Time spent and actual costs associated with processing absentee ballots before Election Day is not a metric that is specifically tracked or reimbursed as part of primary expenses. However, additional personnel hired to canvass and process absentee ballots is a reimbursable expense, it is just not broken down by when they provide the services to the counties.

INTERROGATORY NO. 6: For each Election in the Relevant Time Period, state or estimate (i) the number of absentee ballots that were marked "provisional" on the basis that proper voter identification had not been provided; (ii) the number of absentee voters who were notified or attempted to be notified that their ballot was marked provisional on the basis that proper voter identification had not been provided, and provide a breakdown of those voters by the means through which they were notified or attempted to be notified; and (iii) the number of voters who successfully cured an absentee ballot marked as provisional on the basis that proper voter identification had not been provided.

RESPONSE TO INTERROGATORY NO. 6:

Defendant objects to the "Relevant Time Period" definition. The definition of "Relevant Time Period" is unduly burdensome and not proportional to the needs of the case for two reasons. First, none of the Plaintiffs assert their ballots were rejected as far back as January 1, 2010. Second, Plaintiffs seek prospective injunctive relief.

Defendant also objects to the extent this request is aimed at items not in Defendant's possession, custody, or control, and to which Defendant does not have access regardless of who is the custodian. Moreover, much of the requested information is in the possession of the Counties. It would be unduly burdensome for Defendant to gather the requested information from the Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

Subject to these objections, the State Board of Election Commissioners does not have this level of detailed records until the passage and implementation of Act 1022 of 2021, which mandated that counties complete and provide their ballot disposition reports. A summary of the information provided by counties is posted on the State Board of Election Commissioners' website. It can be located at: <https://www.arkansas.gov/sbec/election-information/>. In addition, refer to the "Ballot Disposition Reports" for individual county records provided to the State Board of Election Commissioners.

INTERROGATORY NO. 7: For each Election in the Relevant Time Period, state (i) the number of absentee ballot applications submitted electronically and (ii) the number of absentee ballots submitted by a voter who received approval to vote absentee pursuant to an electronic application that was flagged for issues related to each of the following: signature matching; missing signatures; incorrect zip code; incomplete street address; and mismatched date of birth; and (iii) provide a breakdown of these ballots by the disposition of the ballots.

RESPONSE TO INTERROGATORY NO. 7:

Defendant objects to the “Relevant Time Period” definition. The definition of “Relevant Time Period” is unduly burdensome and not proportional to the needs of the case for two reasons. First, none of the Plaintiffs assert their ballots were rejected as far back as January 1, 2010. Second, Plaintiffs seek prospective injunctive relief.

Defendants also object to the extent this request is aimed at items not in Defendant’s possession, custody, or control, and to which Defendant does not have access regardless of who is the custodian. Moreover, many of the requested documents is in the possession of the Counties. It would be unduly burdensome for Defendant to gather the requested information from the Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

Subject to these objections, in response to subparts (i) and (ii), the State Board of Election Commissioners does not have responsive information. In response to subpart (iii), the State Board of Election Commissioners refers Plaintiffs to the “Ballot Disposition Reports” from counties that may provide a breakdown of provisional absentee ballots and their ultimate result.

INTERROGATORY NO. 8: Identify every instance of suspected, alleged, admitted, or proven voter fraud involving or relating to absentee ballots within the state of Arkansas during the time period described in paragraph 37 of the Expert Report of Thomas Brunell, including the names of any individuals involved; the nature of the suspected, alleged, admitted, or proven fraudulent activity; any action

taken by the State and Counties; and the disposition of any related investigation or prosecution.

RESPONSE TO INTERROGATORY NO. 8:

Defendant objects to this Interrogatory. This Interrogatory is vague, ambiguous, and unduly burdensome and not proportional to the needs of the case. Defendant also objects to the use of the phrase “time period.” Paragraph 37 of Dr. Brunell’s report does not identify a “time period” outside a reference to the “end of the twentieth century.”

Dr. Brunell provides four examples of voter fraud in paragraph 37 of his expert report. In his expert report, he also identifies the sources that discuss these specific examples of voter fraud, which Plaintiffs may review. In addition, the State does not have to prove the existence of every instance of “voter fraud” to establish the State’s interest in the integrity of the electoral process. Moreover, Plaintiffs seek only prospective relief. Therefore, this request is also unduly burdensome and not proportional to the needs of the case.

Defendant further objects to the inclusion of Counties in this request. The Counties are separate governmental entities from the State. Documents or information provided by Counties are not in the possession, custody or control of the State. Defendant object to the extent this request is aimed at information not in Defendant’s possession, custody, or control, and to which Defendant does not have access, whether the Counties are the custodians of such items or not. It would be unduly burdensome for Defendant to gather the requested information from the

Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

INTERROGATORY NO. 9: For each year during the time period described in paragraph 37 of the Expert Report of Thomas Brunell, state or estimate the amount of resources, including financial resources and employee time, expended by the State and each of the Counties investigating suspected, alleged, admitted, or proven incidents of voter fraud, including the percentage of these resources dedicated to investigating suspected incidents of absentee ballot voter fraud.

RESPONSE TO INTERROGATORY NO. 9.

Defendant objects to this Interrogatory. This Interrogatory is vague, ambiguous, and unduly burdensome and not proportional to the needs of the case. Defendant also objects to the use of the phrase “time period.” Paragraph 37 of Dr. Brunell’s report does not identify a “time period” outside a reference to the “end of the twentieth century.”

Dr. Brunell provides four examples of voter fraud in paragraph 37 of his expert report. In his expert report, he also identifies the sources that discuss these specific examples of voter fraud, which Plaintiffs may review. In addition, the State does not have to prove the existence of every instance of “voter fraud” or the resources expended investigating “voter fraud” to establish the State’s interest in the integrity of the electoral process. Plaintiffs also only seek prospective relief. Therefore, this request is also unduly burdensome and not proportional to the needs of the case.

Defendant further objects to the inclusion of Counties in this request. The Counties are separate governmental entities from the State. Documents or information provided by Counties are not in the possession, custody or control of the State. Defendant objects to the extent this request is aimed at information not in Defendant's possession, custody, or control, and to which Defendant does not have access, whether the Counties are the custodians of such items or not. It would be unduly burdensome for Defendant to gather the requested information from the Counties as it would require individual open records requests to each County. Further, Plaintiffs have equal access to this information as they also may submit open record requests to each County.

Respectfully submitted,

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By:



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Attorneys for Defendants

VERIFICATION

I, Daniel Shults, pursuant to 28 U.S.C. § 1746, do hereby state that the facts contained in the foregoing Responses to Plaintiffs' First Set of Interrogatories are true and correct to the best of my knowledge, information, and belief.



Signature

Executed on 8/31/22
Date

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CERTIFICATE OF SERVICE

I certify that on August 31, 2022, I served the foregoing by email to the following:

David A. Couch
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Counsel for Plaintiffs

I also certify that on August 31, 2022, I served the foregoing by U.S. Regular

Mail to the following:

Harold Williford
Debevoise & Plimpton LLP, 919 Third Avenue, New York, NY 10022

Counsel for Plaintiffs



Kesia Morrison

Exhibit 19

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Statewide Ballot Disposition Report

August 10, 2021 - Special Elections

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 1 Total Number of Provisional Ballots

2) 1 Number of Provisional Ballots Cast - Early Voting

3) _____ Number of Provisional Ballots Cast - Election Day Voting

4) 1 * Total Number of In-Person Provisional Ballots Cast

Reasons for Casting In-Person Provisional Ballots

- A) _____ Failure to Satisfy General ID Requirement
- B) _____ Failure to Satisfy First Time / Flagged ID Requirement
- C) 1 Voter did not Appear on the PVR List (Poll Book)
- D) _____ Voters Marked as Having Been Sent an Absentee Ballot
- E) _____ Voter Marked as Having Already Voted
- F) _____ Voter Requests to Vote an Alternative Ballot
- G) _____ Ballot Cast during Court Ordered Extended Voting
- H) _____ Poll Watcher Challenge

5) _____ * Total Number of Absentee Ballots Made Provisional

Reasons Absentee Ballot was made Provisional

- A) _____ Failure to Satisfy General ID Requirement
- B) _____ Failure to Satisfy First Time / Flagged ID Requirement
- C) _____ Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
- D) _____ Bearer's Name Differed (application to voter statement)
- E) _____ Poll Watcher Challenge

6) _____ Number of Provisional Ballots Not Counted - Early Voting

7) _____ Number of Provisional Ballots Not Counted - Election Day Voting

8) 0 † Total Number of Rejected Provisional Ballots - In-Person Voting

Reasons for In-Person Provisional Ballot's Rejection

- A) _____ Not Registered to Vote

- B) _____ Failed to satisfy Post-Election ID Presentment Requirement
- C) _____ Determined to have Already Voted
- D) _____ Did not Sign the Provisional Ballot Envelope
- E) _____ Omitted Name from the Provisional Ballot Envelope
- F) _____ Omitted Address from the Provisional Ballot Envelope
- G) _____ Omitted DOB from the Provisional Ballot Envelope
- H) _____ Voted on the Wrong Ballot
- I) _____ Court Ordered Extended Voting Invalidated

9) 0 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) _____ Failed to satisfy Post-Election ID Presentment Requirement
- B) _____ Voted on the Wrong Ballot
- C) _____ Voter Found as Not Registered to Vote

10) 0 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 0 Voter Found as Not Registered to Vote
- B) 0 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 0 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 0 Failed to satisfy Post-Election ID Presentment Requirement
- H) 0 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 1 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 35 **Total Number of Absentee Ballots Returned** (as of certification)

13) 0 **Total Number of Absentee Ballots Rejected**

14) 0 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) _____ Did not Sign the Absentee Voter Statement
- B) _____ Omitted Name from the Absentee Voter Statement
- C) _____ Omitted Address from the Absentee Voter Statement
- D) _____ Omitted DOB from the Absentee Voter Statement
- E) _____ Failed to Return an Absentee Voter Statement
- F) _____ CBEC determined Signature did not Compare
- G) _____ CBEC determined Name did not Compare

- H) _____ CBEC determined Address did not Compare
- I) _____ CBEC determined DOB did not Compare
- J) _____ Ballot included in a Bulk Mailing
- K) _____ Ballot Returned After the Deadline (as of certification)
- L) _____ Failed to Satisfy Third Party Ballot Return Requirement

15) 35 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 1,195 **Total Number of In-Person Votes Cast During Early Voting**

17) 2,315 **Total Number of In-Person Votes Cast on Election Day**

18) 3,510 **Total Number of In-Person Votes Cast**

19) 0 **Total Number of Ballots Rejected**

20) 3,545 **Total Number of Ballots Counted**

21) 3,545 **Total Number of Ballots Cast**

Appendix

- ❖ Johnson County - Special Municipal Bond Issue Election - City of Clarksville
- ❖ Lenoire County - Special Municipal Bond Continuance Election - City of Cabot
- ❖ Mississippi County - Special County Wide Tax Election
- ❖ Washington County - Special Municipal Tax Election - City of Fayetteville

Exhibit 20

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Statewide Ballot Disposition Report

September 14, 2021 - Special Elections

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 99 **Total Number of Provisional Ballots**

2) 18 **Number of Provisional Ballots Cast - Early Voting**

3) 66 **Number of Provisional Ballots Cast - Election Day Voting**

4) 84 *** Total Number of In-Person Provisional Ballots Cast**

Reasons for Casting In-Person Provisional Ballots

- A) 6 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 67 Voter did not Appear on the PVR List (Poll Book)
 D) 4 Voters Marked as Having Been Sent an Absentee Ballot
 E) 7 Voter Marked as Having Already Voted
 F) 0 Voter Requests to Vote an Alternative Ballot
 G) 0 Ballot Cast during Court Ordered Extended Voting
 H) 0 Poll Watcher Challenge

5) 15 *** Total Number of Absentee Ballots Made Provisional**

Reasons Absentee Ballot was made Provisional

- A) 14 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 1 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 D) 0 Bearer's Name Differed (application to voter statement)
 E) 0 Poll Watcher Challenge

6) 7 **Number of Provisional Ballots Not Counted - Early Voting**

7) 44 **Number of Provisional Ballots Not Counted - Election Day Voting**

8) 49 **† Total Number of Rejected Provisional Ballots - In-Person Voting**

Reasons for In-Person Provisional Ballot's Rejection

- A) 22 Not Registered to Vote

- B) 4 Failed to satisfy Post-Election ID Presentment Requirement
- C) 0 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 1 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 22 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 12 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 12 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 61 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 22 Voter Found as Not Registered to Vote
- B) 22 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 1 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 16 Failed to satisfy Post-Election ID Presentment Requirement
- H) 0 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 38 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 283 **Total Number of Absentee Ballots Returned** (as of certification)

13) 23 **Total Number of Absentee Ballots Rejected**

14) 11 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 4 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 0 Omitted DOB from the Absentee Voter Statement
- E) 4 Failed to Return an Absentee Voter Statement
- F) 0 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 1 CBEC determined Address did not Compare
- I) 1 CBEC determined DOB did not Compare
- J) 0 Ballot included in a Bulk Mailing
- K) 1 Ballot Returned After the Deadline (as of certification)
- L) 0 Failed to Satisfy Third Party Ballot Return Requirement

15) 260 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 11,304 **Total Number of In-Person Votes Cast During Early Voting**

17) 16,713 **Total Number of In-Person Votes Cast on Election Day**

18) 28,017 **Total Number of In-Person Votes Cast**

19) 72 **Total Number of Ballots Rejected**

20) 28,277 **Total Number of Ballots Counted**

21) 28,349 **Total Number of Ballots Cast**

Appendix

- ❖ Benton County - Special Municipal Tax Election - Cities of Garfield and Pea Ridge
- ❖ Cleburne County - Special Municipal Tax and Mayor Election - City of Heber Springs
- ❖ Independence County - Special School Election for Millage Increase - Batesville School District
- ❖ Monroe County - Special Municipal Tax - City of Brinkley
- ❖ Pike County - Special School Election for Millage Increase - Kirby School District No.32
- ❖ Pulaski County - Special Municipal Tax Election - City of Little Rock
- ❖ Randolph County - Special School Election for Millage Increase - Pocahontas School District
- ❖ White County - Special Municipal Tax Election - City of Beebe. Special School Election for Millage Increase - White County Central SD

Exhibit 21

RETRIEVED FROM DEMOCRACYDOCKET.COM

Statewide Ballot Disposition Report

October 12, 2021 - Special Election

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 1 Total Number of Provisional Ballots

2) 0 Number of Provisional Ballots Cast - Early Voting

3) 1 Number of Provisional Ballots Cast - Election Day Voting

4) 1 * Total Number of In-Person Provisional Ballots Cast

Reasons for Casting In-Person Provisional Ballots

- A) 0 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 1 Voter did not Appear on the PVR List (Poll Book)
 D) 0 Voters Marked as Having Been Sent an Absentee Ballot
 E) 0 Voter Marked as Having Already Voted
 F) 0 Voter Requests to Vote an Alternative Ballot
 G) 0 Ballot Cast during Court Ordered Extended Voting
 H) 0 Poll Watcher Challenge

5) 0 * Total Number of Absentee Ballots Made Provisional

Reasons Absentee Ballot was made Provisional

- A) 0 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 0 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 D) 0 Bearer's Name Differed (application to voter statement)
 E) 0 Poll Watcher Challenge

6) 0 Number of Provisional Ballots Not Counted - Early Voting

7) 1 Number of Provisional Ballots Not Counted - Election Day Voting

8) 1 † Total Number of Rejected Provisional Ballots - In-Person Voting

Reasons for In-Person Provisional Ballot's Rejection

- A) 1 Not Registered to Vote

- B) 0 Failed to satisfy Post-Election ID Presentment Requirement
- C) 0 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 0 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 0 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 0 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 0 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 1 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 1 Voter Found as Not Registered to Vote
- B) 0 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 0 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 0 Failed to satisfy Post-Election ID Presentment Requirement
- H) 0 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 0 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 0 **Total Number of Absentee Ballots Returned** (as of certification)

13) 0 **Total Number of Absentee Ballots Rejected**

14) 0 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 0 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 0 Omitted DOB from the Absentee Voter Statement
- E) 0 Failed to Return an Absentee Voter Statement
- F) 0 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 0 CBEC determined Address did not Compare
- I) 0 CBEC determined DOB did not Compare
- J) 0 Ballot included in a Bulk Mailing
- K) 0 Ballot Returned After the Deadline (as of certification)
- L) 0 Failed to Satisfy Third Party Ballot Return Requirement

15) 0 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 13 **Total Number of In-Person Votes Cast During Early Voting**

17) 285 **Total Number of In-Person Votes Cast on Election Day**

18) 298 **Total Number of In-Person Votes Cast**

19) 1 **Total Number of Ballots Rejected**

20) 298 **Total Number of Ballots Counted**

21) 299 **Total Number of Ballots Cast**

Appendix

❖ Washington County - Special Municipal Bond Issue Election - City of Tontitown

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Exhibit 22

RETRIEVED FROM DEMOCRACYDOCKET.COM

Statewide Ballot Disposition Report

November 2, 2021 - Annual School Election

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 47 Total Number of Provisional Ballots

2) 9 Number of Provisional Ballots Cast - Early Voting

3) 28 Number of Provisional Ballots Cast - Election Day Voting

4) 37 * Total Number of In-Person Provisional Ballots Cast

Reasons for Casting In-Person Provisional Ballots

- A) 15 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 16 Voter did not Appear on the PVR List (Poll Book)
 D) 3 Voters Marked as Having Been Sent an Absentee Ballot
 E) 1 Voter Marked as Having Already Voted
 F) 0 Voter Requests to Vote an Alternative Ballot
 G) 0 Ballot Cast during Court Ordered Extended Voting
 H) 0 Poll Watcher Challenge

5) 10 * Total Number of Absentee Ballots Made Provisional

Reasons Absentee Ballot was made Provisional

- A) 9 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 0 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 D) 0 Bearer's Name Differed (application to voter statement)
 E) 0 Poll Watcher Challenge

6) 4 Number of Provisional Ballots Not Counted - Early Voting

7) 17 Number of Provisional Ballots Not Counted - Election Day Voting

8) 25 † Total Number of Rejected Provisional Ballots - In-Person Voting

Reasons for In-Person Provisional Ballot's Rejection

- A) 9 Not Registered to Vote

- B) 12 Failed to satisfy Post-Election ID Presentment Requirement
- C) 1 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 2 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 1 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 9 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 9 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 34 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 9 Voter Found as Not Registered to Vote
- B) 1 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 2 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 21 Failed to satisfy Post-Election ID Presentment Requirement
- H) 1 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 13 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 162 **Total Number of Absentee Ballots Returned** (as of certification)

13) 16 **Total Number of Absentee Ballots Rejected**

14) 7 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 1 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 3 Omitted DOB from the Absentee Voter Statement
- E) 1 Failed to Return an Absentee Voter Statement
- F) 1 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 0 CBEC determined Address did not Compare
- I) 1 CBEC determined DOB did not Compare
- J) 0 Ballot included in a Bulk Mailing
- K) 0 Ballot Returned After the Deadline (as of certification)
- L) 0 Failed to Satisfy Third Party Ballot Return Requirement

15) 146 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 2,766 **Total Number of In-Person Votes Cast During Early Voting**

17) 11,010 **Total Number of In-Person Votes Cast on Election Day**

18) 13,776 **Total Number of In-Person Votes Cast**

19) 41 **Total Number of Ballots Rejected**

20) 13,922 **Total Number of Ballots Counted**

21) 13,963 **Total Number of Ballots Cast**

Appendix

- ❖ Benton County - Annual School Election - Bentonville School District
- ❖ Craighead County - Annual School Election - Buffalo Island Central, Brookland, Jonesboro, Nettleton, and Westside School Districts
- ❖ Crawford County - Annual School Election - Cedarville School District
- ❖ Fulton County - Annual School Election - Mammoth Spring School District
- ❖ Independence County - Annual School Election - Southside and Batesville School Districts
- ❖ Lawrence County - Annual School Election - -Walnut Ridge School District
- ❖ Lee County - Annual School Election - Lee County School District
- ❖ Lonoke County - Annual School Election - Carlisle and England School Districts
- ❖ Phillips County - Annual School Election - Helena-West Helena School District
- ❖ Pulaski County - Annual School Election - Little Rock, Pulaski County Special, and North Little Rock School Districts
- ❖ White County - Annual School Election - White County Central School District

Exhibit 23

RETRIEVED FROM DEMOCRACYDOCKET.COM

Statewide Ballot Disposition Report

November 9, 2021 - Special Elections

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 24 **Total Number of Provisional Ballots**

2) 6 **Number of Provisional Ballots Cast - Early Voting**

3) 13 **Number of Provisional Ballots Cast - Election Day Voting**

4) 19 *** Total Number of In-Person Provisional Ballots Cast**

Reasons for Casting In-Person Provisional Ballots

- A) 30 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 3 Voter did not Appear on the PVR List (Poll Book)
 D) 2 Voters Marked as Having Been Sent an Absentee Ballot
 E) 10 Voter Marked as Having Already Voted
 F) 0 Voter Requests to Vote an Alternative Ballot
 G) 0 Ballot Cast during Court Ordered Extended Voting
 H) 0 Poll Watcher Challenge

5) 5 *** Total Number of Absentee Ballots Made Provisional**

Reasons Absentee Ballot was made Provisional

- A) 5 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 0 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 D) 0 Bearer's Name Differed (application to voter statement)
 E) 0 Poll Watcher Challenge

6) 1 **Number of Provisional Ballots Not Counted - Early Voting**

7) 3 **Number of Provisional Ballots Not Counted - Election Day Voting**

8) 4 **+ Total Number of Rejected Provisional Ballots - In-Person Voting**

Reasons for In-Person Provisional Ballot's Rejection

- A) 1 Not Registered to Vote

- B) 1 Failed to satisfy Post-Election ID Presentment Requirement
- C) 0 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 0 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 2 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 5 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 5 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 9 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 1 Voter Found as Not Registered to Vote
- B) 2 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 0 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 6 Failed to satisfy Post-Election ID Presentment Requirement
- H) 0 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 15 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 158 **Total Number of Absentee Ballots Returned** (as of certification)

13) 15 **Total Number of Absentee Ballots Rejected**

14) 10 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 0 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 8 Omitted DOB from the Absentee Voter Statement
- E) 0 Failed to Return an Absentee Voter Statement
- F) 0 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 0 CBEC determined Address did not Compare
- I) 1 CBEC determined DOB did not Compare
- J) 0 Ballot included in a Bulk Mailing
- K) 1 Ballot Returned After the Deadline (as of certification)
- L) 0 Failed to Satisfy Third Party Ballot Return Requirement

15) 143 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 5,108 **Total Number of In-Person Votes Cast During Early Voting**

17) 5,632 **Total Number of In-Person Votes Cast on Election Day**

18) 10,740 **Total Number of In-Person Votes Cast**

19) 19 **Total Number of Ballots Rejected**

20) 10,883 **Total Number of Ballots Counted**

21) 10,902 **Total Number of Ballots Cast**

Appendix

- ❖ Cleburne County - Special Municipal Election for Mayor - City of Heber Springs
- ❖ Pulaski County - - Special Municipal Election for Central Arkansas Library - City of Little Rock
- ❖ White County - Special Municipal Tax Election - City of Searcy

Exhibit 24

RETRIEVED FROM DEMOCRACYDOCKET.COM

Statewide Ballot Disposition Report

December 14, 2021 - Special Elections

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 5 Total Number of Provisional Ballots

2) 0 Number of Provisional Ballots Cast - Early Voting

3) 4 Number of Provisional Ballots Cast - Election Day Voting

4) 4 * Total Number of In-Person Provisional Ballots Cast

Reasons for Casting In-Person Provisional Ballots

- A) 2 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 1 Voter did not Appear on the PVR List (Poll Book)
 D) 0 Voters Marked as Having Been Sent an Absentee Ballot
 E) 1 Voter Marked as Having Already Voted
 F) 0 Voter Requests to Vote an Alternative Ballot
 G) 0 Ballot Cast during Court Ordered Extended Voting
 H) 0 Poll Watcher Challenge

5) 1 * Total Number of Absentee Ballots Made Provisional

Reasons Absentee Ballot was made Provisional

- A) 0 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 0 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 D) 1 Bearer's Name Differed (application to voter statement)
 E) 0 Poll Watcher Challenge

6) 0 Number of Provisional Ballots Not Counted - Early Voting

7) 1 Number of Provisional Ballots Not Counted - Election Day Voting

8) 1 † Total Number of Rejected Provisional Ballots - In-Person Voting

Reasons for In-Person Provisional Ballot's Rejection

- A) 0 Not Registered to Vote

- B) 1 Failed to satisfy Post-Election ID Presentment Requirement
- C) 0 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 0 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 0 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 0 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 0 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 1 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 0 Voter Found as Not Registered to Vote
- B) 0 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 0 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 1 Failed to satisfy Post-Election ID Presentment Requirement
- H) 0 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 4 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 2 **Total Number of Absentee Ballots Returned** (as of certification)

13) 0 **Total Number of Absentee Ballots Rejected**

14) 0 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 0 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 0 Omitted DOB from the Absentee Voter Statement
- E) 0 Failed to Return an Absentee Voter Statement
- F) 0 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 0 CBEC determined Address did not Compare
- I) 0 CBEC determined DOB did not Compare
- J) 0 Ballot included in a Bulk Mailing
- K) 0 Ballot Returned After the Deadline (as of certification)
- L) 0 Failed to Satisfy Third Party Ballot Return Requirement

15) 2 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 384 **Total Number of In-Person Votes Cast During Early Voting**

17) 3,448 **Total Number of In-Person Votes Cast on Election Day**

18) 3,832 **Total Number of In-Person Votes Cast**

19) 1 **Total Number of Ballots Rejected**

20) 3,834 **Total Number of Ballots Counted**

21) 3,835 **Total Number of Ballots Cast**

Appendix

❖ Washington County - Special Primary Election - State Senate District 7

Exhibit 25

RETRIEVED FROM DEMOCRACYDOCKET.COM

Statewide Ballot Disposition Report

January 11, 2022 - Special Election

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 1 Total Number of Provisional Ballots

2) 0 Number of Provisional Ballots Cast - Early Voting

3) 1 Number of Provisional Ballots Cast - Election Day Voting

4) 1 * Total Number of In-Person Provisional Ballots Cast

Reasons for Casting In-Person Provisional Ballots

- A) 1 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 0 Voter did not Appear on the PVR List (Poll Book)
 D) 0 Voters Marked as Having Been Sent an Absentee Ballot
 E) 0 Voter Marked as Having Already Voted
 F) 0 Voter Requests to Vote an Alternative Ballot
 G) 0 Ballot Cast during Court Ordered Extended Voting
 H) 0 Poll Watcher Challenge

5) 0 * Total Number of Absentee Ballots Made Provisional

Reasons Absentee Ballot was made Provisional

- A) 0 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 0 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 D) 0 Bearer's Name Differed (application to voter statement)
 E) 0 Poll Watcher Challenge

6) 0 Number of Provisional Ballots Not Counted - Early Voting

7) 0 Number of Provisional Ballots Not Counted - Election Day Voting

8) 1 † Total Number of Rejected Provisional Ballots - In-Person Voting

Reasons for In-Person Provisional Ballot's Rejection

- A) 0 Not Registered to Vote

- B) 1 Failed to satisfy Post-Election ID Presentment Requirement
- C) 0 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 0 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 0 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 0 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 0 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 1 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 0 Voter Found as Not Registered to Vote
- B) 0 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 0 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 1 Failed to satisfy Post-Election ID Presentment Requirement
- H) 0 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 0 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 1 **Total Number of Absentee Ballots Returned** (as of certification)

13) 0 **Total Number of Absentee Ballots Rejected**

14) 0 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 0 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 0 Omitted DOB from the Absentee Voter Statement
- E) 0 Failed to Return an Absentee Voter Statement
- F) 0 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 0 CBEC determined Address did not Compare
- I) 0 CBEC determined DOB did not Compare
- J) 0 Ballot included in a Bulk Mailing
- K) 0 Ballot Returned After the Deadline (as of certification)
- L) 0 Failed to Satisfy Third Party Ballot Return Requirement

15) 1 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 107 **Total Number of In-Person Votes Cast During Early Voting**

17) 1,663 **Total Number of In-Person Votes Cast on Election Day**

18) 1,770 **Total Number of In-Person Votes Cast**

19) 1 **Total Number of Ballots Rejected**

20) 1,771 **Total Number of Ballots Counted**

21) 1,772 **Total Number of Ballots Cast**

Appendix

- ❖ Washington County - State Senate District 7 Special Republican Primary Runoff Election

Exhibit 26

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Statewide Ballot Disposition Report

February 8, 2022 Special Elections

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

1) 9 Total Number of Provisional Ballots

2) 2 Number of Provisional Ballots Cast - Early Voting

3) 5 Number of Provisional Ballots Cast - Election Day Voting

4) 7 * Total Number of In-Person Provisional Ballots Cast

Reasons for Casting In-Person Provisional Ballots

- A) 2 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 4 Voter did not Appear on the PVR List (Poll Book)
 D) 1 Voters Marked as Having Been Sent an Absentee Ballot
 E) 0 Voter Marked as Having Already Voted
 F) 0 Voter Requests to Vote an Alternative Ballot
 G) 0 Ballot Cast during Court Ordered Extended Voting
 H) 0 Poll Watcher Challenge

5) 2 * Total Number of Absentee Ballots Made Provisional

Reasons Absentee Ballot was made Provisional

- A) 2 Failure to Satisfy General ID Requirement
 B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 C) 0 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 D) 0 Bearer's Name Differed (application to voter statement)
 E) 0 Poll Watcher Challenge

6) 0 Number of Provisional Ballots Not Counted - Early Voting

7) 1 Number of Provisional Ballots Not Counted - Election Day Voting

8) 4 † Total Number of Rejected Provisional Ballots - In-Person Voting

Reasons for In-Person Provisional Ballot's Rejection

- A) 3 Not Registered to Vote

- B) 1 Failed to satisfy Post-Election ID Presentment Requirement
- C) 0 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 0 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 0 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 2 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 2 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 6 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 3 Voter Found as Not Registered to Vote
- B) 0 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 0 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 3 Failed to satisfy Post-Election ID Presentment Requirement
- H) 0 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 3 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 232 **Total Number of Absentee Ballots Returned** (as of certification)

13) 8 **Total Number of Absentee Ballots Rejected**

14) 6 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 0 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 0 Omitted DOB from the Absentee Voter Statement
- E) 0 Failed to Return an Absentee Voter Statement
- F) 0 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 0 CBEC determined Address did not Compare
- I) 0 CBEC determined DOB did not Compare
- J) 0 Ballot included in a Bulk Mailing
- K) 6 Ballot Returned After the Deadline (as of certification)
- L) 0 Failed to Satisfy Third Party Ballot Return Requirement

15) 224 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 3,633 **Total Number of In-Person Votes Cast During Early Voting**

17) 11,301 **Total Number of In-Person Votes Cast on Election Day**

18) 14,934 **Total Number of In-Person Votes Cast**

19) 12 **Total Number of Ballots Rejected**

20) 15,158 **Total Number of Ballots Counted**

21) 15,170 **Total Number of Ballots Cast**

Appendix

- ❖ Faulkner County - Special Municipal Election - City of Conway
- ❖ Franklin County - Bi-County Special Election - City of Mulberry and Pleasant View
- ❖ Garland County - County Sales Tax - Cities of Ft. Lake and Mt. Pine School Districts
Millage inc: Saline County
- ❖ Independence County - Special Election - Batesville School District

Exhibit 27

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Statewide Ballot Disposition Report

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

- 1) 1,396 Total Number of Provisional Ballots
- 2) 288 Number of Provisional Ballots Cast - Early Voting
- 3) 722 Number of Provisional Ballots Cast - Election Day Voting
- 4) 1,010 * Total Number of In-Person Provisional Ballots Cast

Reasons for Casting In-Person Provisional Ballots

- A) 128 Failure to Satisfy General ID Requirement
- B) 2 Failure to Satisfy First Time / Flagged ID Requirement
- C) 719 Voter did not Appear on the PVR List (Poll Book)
- D) 63 Voters Marked as Having Been Sent an Absentee Ballot
- E) 43 Voter Marked as Having Already Voted
- F) 48 Voter Requests to Vote an Alternative Ballot
- G) 0 Ballot Cast during Court Ordered Extended Voting
- H) 6 Poll Watcher Challenge

- 5) 386 * Total Number of Absentee Ballots Made Provisional

Reasons Absentee Ballot was made Provisional

- A) 321 Failure to Satisfy General ID Requirement
- B) 0 Failure to Satisfy First Time / Flagged ID Requirement
- C) 25 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
- D) 38 Bearer's Name Differed (application to voter statement)
- E) 0 Poll Watcher Challenge

- 6) 160 Number of Provisional Ballots Not Counted - Early Voting
- 7) 480 Number of Provisional Ballots Not Counted - Election Day Voting
- 8) 575 + Total Number of Rejected Provisional Ballots - In-Person Voting

Reasons for In-Person Provisional Ballot's Rejection

- A) 441 Not Registered to Vote

- B) 79 Failed to satisfy Post-Election ID Presentment Requirement
- C) 19 Determined to have Already Voted
- D) 5 Did not Sign the Provisional Ballot Envelope
- E) 6 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 25 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 218 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 216 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 2 Voter Found as Not Registered to Vote

10) 793 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 443 Voter Found as Not Registered to Vote
- B) 25 Voted on the Wrong Ballot
- C) 5 Did not Sign the Provisional Ballot Envelope
- D) 6 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 295 Failed to satisfy Post-Election ID Presentment Requirement
- H) 19 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 603 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 5,860 **Total Number of Absentee Ballots Returned** (as of certification)

13) 576 **Total Number of Absentee Ballots Rejected**

14) 358 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 29 Did not Sign the Absentee Voter Statement
- B) 9 Omitted Name from the Absentee Voter Statement
- C) 3 Omitted Address from the Absentee Voter Statement
- D) 33 Omitted DOB from the Absentee Voter Statement
- E) 80 Failed to Return an Absentee Voter Statement
- F) 15 CBEC determined Signature did not Compare
- G) 2 CBEC determined Name did not Compare

- H) 10 CBEC determined Address did not Compare
- I) 5 CBEC determined DOB did not Compare
- J) 3 Ballot included in a Bulk Mailing
- K) 129 Ballot Returned After the Deadline (as of certification)
- L) 40 Failed to Satisfy Third Party Ballot Return Requirement

15) 5,284 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 208,076 **Total Number of In-Person Votes Cast During Early Voting**

17) 244,321 **Total Number of In-Person Votes Cast on Election Day**

18) 452,397 **Total Number of In-Person Votes Cast**

19) 1,151 **Total Number of Ballots Rejected**

20) 457,681 **Total Number of Ballots Counted**

21) 458,832 **Total Number of Ballots Cast**

Appendix

As of September 13, 2022 the following counties have submitted a ballot disposition report to the SBEC for the May 24, 2022 Preferential Primary:

- | | | | |
|------------|--------------|-------------|------------|
| Arkansas | Faulkner | Marion | Scott |
| Ashley | Franklin | Miller | Sharp |
| Baxter | Fulton | Mississippi | Stone |
| Benton | Garland | Monroe | Union |
| Boone | Grant | Montgomery | Van Buren |
| Bradley | Greene | Nevada | Washington |
| Calhoun | Hempstead | Newton | White |
| Carroll | Hot Spring | Ouachita | Woodruff |
| Chicot | Independence | Perry | Yell |
| Clark | Howard | | |
| Clay | Izard | Pike | |
| Cleburne | Jackson | Poinsett | |
| Cleveland | Jefferson | Polk | |
| Columbia | Johnson | Pope | |
| Conway | Lafayette | Prairie | |
| Craighead | Lawrence | Pulaski | |
| Crawford | Lee | Randolph | |
| Crittenden | Lincoln | St. Francis | |
| Cross | Little River | Saline | |
| Dallas | Logan | Searcy | |
| Desha | Lonoke | Sebastian | |

The following counties have not submitted their report:

Phillips

Exhibit 28

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Statewide Ballot Disposition Report

The following report represents a compilation of data regarding the status of absentee and provisional ballots that were submitted to the State Board of Election Commissioners pursuant to Act 1022 of 2021. This report compiles information relating to the special elections listed in the appendix.

Provisional Ballots

- 1) 174 **Total Number of Provisional Ballots**
- 2) 17 **Number of Provisional Ballots Cast - Early Voting**
- 3) 67 **Number of Provisional Ballots Cast - Election Day Voting**
- 4) 84 *** Total Number of In-Person Provisional Ballots Cast**
 - Reasons for Casting In-Person Provisional Ballots**
 - A) 12 Failure to Satisfy General ID Requirement
 - B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 - C) 33 Voter did not Appear on the PVR List (Poll Book)
 - D) 15 Voters Marked as Having Been Sent an Absentee Ballot
 - E) 6 Voter Marked as Having Already Voted
 - F) 10 Voter Requests to Vote an Alternative Ballot
 - G) 0 Ballot Cast during Court Ordered Extended Voting
 - H) 0 Poll Watcher Challenge
- 5) 90 *** Total Number of Absentee Ballots Made Provisional**
 - Reasons Absentee Ballot was made Provisional**
 - A) 76 Failure to Satisfy General ID Requirement
 - B) 0 Failure to Satisfy First Time / Flagged ID Requirement
 - C) 2 Bearer, Agent, or Admin. Name Differed (envelope to voter statement)
 - D) 1 Bearer's Name Differed (application to voter statement)
 - E) 0 Poll Watcher Challenge
- 6) 15 **Number of Provisional Ballots Not Counted - Early Voting**
- 7) 59 **Number of Provisional Ballots Not Counted - Election Day Voting**
- 8) 50 **+ Total Number of Rejected Provisional Ballots - In-Person Voting**
 - Reasons for In-Person Provisional Ballot's Rejection**
 - A) 29 Not Registered to Vote

- B) 12 Failed to satisfy Post-Election ID Presentment Requirement
- C) 2 Determined to have Already Voted
- D) 0 Did not Sign the Provisional Ballot Envelope
- E) 0 Omitted Name from the Provisional Ballot Envelope
- F) 0 Omitted Address from the Provisional Ballot Envelope
- G) 0 Omitted DOB from the Provisional Ballot Envelope
- H) 7 Voted on the Wrong Ballot
- I) 0 Court Ordered Extended Voting Invalidated

9) 44 † **Number of Rejected Provisional Ballots - Absentee Ballots**

Reasons for Absentee Provisional Ballot's Rejection

- A) 44 Failed to satisfy Post-Election ID Presentment Requirement
- B) 0 Voted on the Wrong Ballot
- C) 0 Voter Found as Not Registered to Vote

10) 94 **Total Number of Rejected Provisional Ballots**

Total Number of Provisional Ballots Rejected (Restated by Category)

- A) 29 Voter Found as Not Registered to Vote
- B) 7 Voted on the Wrong Ballot
- C) 0 Did not Sign the Provisional Ballot Envelope
- D) 0 Omitted Name from the Provisional Ballot Envelope
- E) 0 Omitted Address from the Provisional Ballot Envelope
- F) 0 Omitted DOB from the Provisional Ballot Envelope
- G) 56 Failed to satisfy Post-Election ID Presentment Requirement
- H) 2 Determined to have Already Voted
- I) 0 Court Ordered Extended Voting Invalidated

11) 80 **Total Number of Counted Provisional Ballots**

Absentee Ballots

12) 1,062 **Total Number of Absentee Ballots Returned** (as of certification)

13) 122 **Total Number of Absentee Ballots Rejected**

14) 78 † **Number of Absentee Ballots Rejected** (excluding absentee provisionals)

Reasons for Absentee Ballot's Rejection (Non-Provisionals)

- A) 0 Did not Sign the Absentee Voter Statement
- B) 0 Omitted Name from the Absentee Voter Statement
- C) 0 Omitted Address from the Absentee Voter Statement
- D) 5 Omitted DOB from the Absentee Voter Statement
- E) 24 Failed to Return an Absentee Voter Statement
- F) 3 CBEC determined Signature did not Compare
- G) 0 CBEC determined Name did not Compare

- H) 1 CBEC determined Address did not Compare
- I) 1 CBEC determined DOB did not Compare
- J) 10 Ballot included in a Bulk Mailing
- K) 27 Ballot Returned After the Deadline (as of certification)
- L) 7 Failed to Satisfy Third Party Ballot Return Requirement

15) 940 **Total Number of Counted Absentee Ballots**

Overall Totals

16) 23,005 **Total Number of In-Person Votes Cast During Early Voting**

17) 34,154 **Total Number of In-Person Votes Cast on Election Day**

18) 57,159 **Total Number of In-Person Votes Cast**

19) 172 **Total Number of Ballots Rejected**

20) 58,099 **Total Number of Ballots Counted**

21) 58,271 **Total Number of Ballots Cast**

Appendix

As of September 8, 2022 the following counties have submitted a ballot disposition report to the SBEC for the June 21, 2022 General Primary:

Baxter Co.	Miller Co.
Benton Co.	Newton Co.
Boone Co.	Pulaski Co.
Clark Co. - Arkadelphia SD Zone 1	Randolph Co.
Cleburne Co.	Searcy Co.
Columbia Co.	Sebastian Co.
Conway Co.	Sharp Co.
Craighead Co.	Stone Co.
Crawford Co.	Van Buren Co.
Drew Co. - Marion Township Constable	Washington Co.
Faulkner Co. - Vilonia School District	White Co.
Franklin Co.	Yell Co.
Fulton Co. - Viola School Board	
Greene Co.	
Independence Co.	
Izard Co.	
Jackson Co.	
Johnson Co.	
Lafayette Co.	
Lawrence Co.	
Madison Co.	

Exhibit 29

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ABSENTEE VOTING INSTRUCTIONS & PHOTO ID REQUIREMENTS

GENERAL PHOTO ID REQUIREMENTS: Photo ID must be issued by the United States, the State of Arkansas, or an accredited postsecondary education institution in Arkansas that shows name and photo and is not expired by more than 4 years before the date of the election. Examples include but are not limited to:

- Arkansas Driver’s License or Arkansas Photo Identification Card (Issued by the DMV)
- Arkansas concealed handgun carry license
- An employee ID (or student ID) with a photo issued by the State of Arkansas, the federal government, or a postsecondary educational institution located in Arkansas
- A United States Passport
- A United States Military or Veterans Affairs ID document with a photo
- A “For voting Purposes Only” ID card that has a photo provided by the County Clerk

All Voters must comply with the General Photo ID requirements **UNLESS** the voter is described below. Voters who are described below must comply with these special requirements. If you are unsure what ID to provide, a copy of your current Arkansas driver’s license satisfies all ID Requirements.



FOR SOME 1ST TIME VOTERS WHO REGISTERED BY MAIL

Federal Law requires first-time voters who registered to vote by mail and did not provide identification* to comply with an alternative identification requirement. If you fall into this category, please include one of the following:

A copy of a current and valid photo identification OR a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows name and address.

* Identification is provided when you register to vote by listing your driver’s license number on your application, the last four digits of your social security number on your application, or by providing any of the documents listed above with your application.

If you fail to include a copy of a Photo ID described above, Your Ballot Will be Rejected* UNLESS you present a qualifying Photo ID in person to your County Clerk’s Office or your County Election Commission NO LATER THAN NOON on the Monday after the election.

EXCEPTIONS:

*A person who resides in a long-term care or residential care facility licensed by the state may instead provide documentation signed by the administrator of the facility attesting that the person is a resident of the facility. *Contact the County Clerk for a standardized form.*

* (Active-Duty Service Personnel) - Uniformed service members of the United States, merchant mariners, and members of the Arkansas National Guard (as well as their spouses and dependents) who are absent from the county on election day because of the member’s active-duty service are exempt from the Photo ID requirements.

1. VOTE YOUR BALLOT

- Mark your Ballot with a Blue or Black Pen.
- Place your marked ballot in the provided Inner Ballot Only Envelope.

2. PLACE THESE ITEMS IN THE OUTER MAILING ENVELOPE

- Ballot Only Envelope containing your marked ballot
- Copy of approved Photo ID (unless you fall into an exception described above)
- The Voter Statement

3. RETURN YOUR BALLOT TO THE COUNTY CLERK BY ONE OF THE FOLLOWING METHODS

- Return by Mail: Ballot must be received in the County Clerk’s Office no later than 7:30 p.m. on Election Night.
- Return by Voter (in person), Designated Bearer, or Administrator (of a Residential Care Facility): Return ballot to the County Clerk’s office by close of business on the **Friday before the Election.**
- Return by Authorized Agent: Return ballot to the County Clerk’s office no later than **7:30pm on Election Night.**

(Must have an affidavit from the administrative head of a Hospital or the administrative head of your residential or long-term care facility in which you are a patient stating you are unable to vote in person and a separate “Agent Authorization Form.”)

<p>Return to: _____ County Clerk’s Office 000 Main Street Suite 000 City, Arkansas, 70000</p>	<p><u>Hours of the Clerk’s Office</u> M-F #am - #pm Sat #am - #pm Sunday Closed</p>	<p>Clerk’s Office: (000) 000-0000 CBEC Contact: (000) 000-0000</p>
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS et al.,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, and
SHARON BROOKS, BILENDA
HARRIS-RITTER, WILLIAM LUTHER,
CHARLES ROBERTS, JAMES SHARP,
and J. HARMON SMITH, in their official
capacities as members of the Arkansas State
Board of Election Commissioners,

Defendants.

Case No. 5:20-cv-05174-PKH

DECLARATION OF JOHN ROBERT MCNEE

I, John Robert McNee, hereby declare as follows:

1. I am 73 years old and licensed to practice law in Arkansas. I reside in Jacksonville, Arkansas and have been registered to vote in Pulaski County since 1978.
2. I previously served as a Captain in the United States Air Force's Judge Advocate General's Corps. Beginning in 1974, my wife and I were stationed in Arkansas for five years. We have lived in the state ever since.
3. I have medical conditions that require me to have a pacemaker and prosthetic heart valve. In addition, I have a tremor that impacts my ability to perform some routine tasks, such as trimming my fingernails without cutting myself.
4. The consistency and quality of my handwriting, including my ability to write my signature in a consistent form, has significantly deteriorated since the onset of my tremor and

since the last time I voted absentee. Even if I am able to begin signing my name, I am unable to control the pen for the time it requires to finish writing my signature. In addition, I am unable to write along a straight signature line, and my tremor will cause my signature to veer above or below the signature line. As a result of my tremor I have observed significant variation in my signature.

5. I anticipate that my medical conditions will worsen because I have a family history of tremors. My late father had a tremor, which became so severe that he was unable to hold utensils, and he eventually became uncomfortable eating in public. My older sister and younger brother both have tremors that are worsening. Based on their experiences, I think that it is likely that my tremor will worsen and my ability to write will further deteriorate.

6. Due to my medical conditions, I am required to take medication that sometimes makes it difficult for me to leave home or stand in lines. I structure my daily activities and travel plans to accommodate the side effects of my medication.

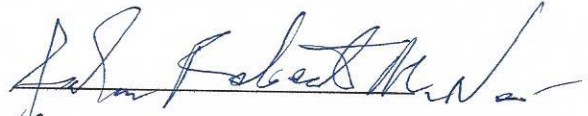
7. In light of my age and medical conditions, I expect to vote by absentee ballot in upcoming elections.

8. Although I believe my prior absentee ballot was accepted, I am concerned that my inability to write my signature consistently will result in my ballot being disqualified when I vote by absentee ballot. My understanding is that if an election official rejects my absentee ballot, my vote would be thrown out and there would be nothing that I can do to get my vote counted.

9. The fact that my absentee ballot might be thrown out without allowing me a chance to confirm that I cast it undermines my faith in the Arkansas election process.

I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: January 23, 2023



John Robert McNee

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS, et al.,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, et al.,

Defendants.

Case No. 5:20-cv-05174-PKH

**DECLARATION OF NELL MATTHEWS MOCK IN SUPPORT OF PLAINTIFFS’
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

I, Nell Matthews Mock, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the below is true and correct. I would testify at trial on the matters stated below:

1. I am registered to vote in Pulaski County. I have lived in Pulaski County for 31 years.

2. League of Women Voters of Arkansas (“LWVAR”) is a statewide organization on whose board I have served since 2014. I currently serve as an advisor to the board of LWVAR. I am also a member of the Pulaski County League since 1993; this is one of three local leagues in the State.

Organizational mission and structure

3. LWVAR is a nonpartisan, nonprofit, membership organization and is an affiliate of the League of Women Voters of the United States. LWVAR encourages informed and active

participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. LWVAR is dedicated to promoting civic engagement and protecting democracy through advocacy, voter education, and voter assistance. *See also* Matthews Mock Dep. Tr. 38:4–25; 95:3–10.

4. LWVAR’s mission is twofold. First, LWVAR encourages citizens to register to vote, provides information about elections such as important dates and polling place locations, whom to contact when voting problems arise, resources to obtain additional information about candidates and issues, and publishes *Government in Arkansas*, a high school and college civics textbook. Second, LWVAR engages in advocacy and education on issue-specific areas such as our nonpartisan statewide redistricting initiative and rank choice voting, the initiative and referendum petition processes in Arkansas, the nonpartisan nature of elections of judges, riparian rights, clean air, clean water, funding for K-12 education, and various other issues that come up in the State. *See also* Matthews Mock Dep. Tr. 38:4–14.

5. LWVAR has zero paid staff. The LWVAR Leadership Team typically consists of least six and up to eight individuals. Two of those members include the president/convener and the treasurer. One person on the Leadership Team, depending on who is available, agrees to serve as the secretary at each meeting to record the meeting minutes. The individuals on the Leadership Team are also members of one of the three county leagues. *See also* Matthews Mock Dep. Tr. 45:6–46:25.

6. LWVAR oversees three local leagues in Arkansas, and these are the Pulaski County League, the Washington County League, and the Faulkner County League. The three local leagues are members of LWVAR. *See also* Matthews Mock Dep. Tr. 95:3–10

7. Currently, LWVAR has around 200 members in the State. In the recent past, LWVAR has had between 200 and 300 members in Arkansas. If a person is a member of a local league, that person is also a member of the statewide LWVAR, and as a corollary, a member of the League U.S. Some individuals in Arkansas are not a part of any of the local leagues because they do not live in any of the three counties in which there are local leagues. But those individuals are still members of LWVAR at large. We call these individuals “members at large” of the Arkansas League. *See also* Matthews Mock Dep. Tr. 94:11–96:23.

8. All eight members of the LWVAR Leadership Team are also members of their respective county local leagues. For example, as I stated earlier, I am a member of the Pulaski County League. *See also* Matthews Mock Dep. Tr. 94:11–96:23.

9. For approximately the past 70 years, the LWVAR hosts a biennial convention and invites all its members, including the delegates and members of the three local leagues and the members at large to attend. *See also* Matthews Mock Dep. Tr. 73:14–74:2.

Recordkeeping at LWVAR

10. Because LWVAR is a volunteer organization, it does not have a designated person who keeps detailed records of how each person on the leadership team spends their time each day. We do not have anyone who keeps detailed records related to which issues must become a focus and which issues are placed on the back burner.

11. The time and energy that the LWVAR Leadership Team spends is not necessarily captured by tangible records, documents, or financials.

12. In fact, these documents are limited in their capacity to show how the Leadership Team, including myself, has spent our limited time before 2020, throughout 2020, and even now.

13. The State took my deposition, as an LWVAR representative for this case on December 19, 2022 in Pulaski County.

14. The State's questioning, as I understood it, focused on whether LWVAR had in its possession and could produce records and documentation, including of documentation of our financials, that could detail how we spent our time and resources around the absentee ballot rejection issue in 2020.

15. Given the context of the State's questioning, I mostly focused on records and documents in my deposition, even though much of the time, energy, and effort spent by LWVAR and its leadership are not reflected in any tangible document.

16. However, as I said above, tangible documents such as our budget and other records cannot fully capture all the time and effort we put into different issues, including the issue of absentee ballot rejections.

My history with LWVAR

17. I have a long history with LWVAR. I first become a member of the League of Women Voters in 1993 when I joined the League of Women Voters of Pulaski County. I joined the board of the Pulaski County League in 2001. I became the president of the Pulaski County League around 2007 and served in that position until 2014. *See also* Matthews Mock Dep. Tr. 43:15–44:23.

18. In 2014, I became a board member of LWVAR. In 2015, I became the president of LWVAR. I served as the president of LWVAR from 2015 to 2021. In 2021, Bonnie Miller began serving and is now the current president of LWVAR. *See also* Matthews Mock Dep. Tr. 44:20–45:5.

19. Internally, we refer to the position of “president” as “convener” but because it is difficult for people to understand what “convener” means, externally we often refer to the position as “president.” In this declaration, I use the terms “convener” and “president” interchangeably. *See also* Matthews Mock Dep. Tr. 44:7–19.

20. I started working with the Pulaski County local league and LWVAR because I care deeply about these organizations. I believe that every eligible voter should be able to exercise their vote and should not have to deal with barriers to voting put up by the State.

2020 COVID-19 pandemic, executive orders on absentee voting, and LWVAR’s response

21. In March 2020, when COVID-19 began to spread, everything shut down. We found ourselves living in a new world and confronted by a new reality. LWVAR began to convene and attend meetings via zoom. *See also* Matthews Mock Dep. Tr. 15:4–9.

22. At the time, one of LWVAR’s main concerns was that Arkansans be able to exercise their right to vote safely. After the shutdown, the LWVAR leadership team worked with other organizations including Indivisible and other community members to craft and to sign on to letters urging the former Governor Hutchinson and current Secretary of State Thurston to allow voters to vote absentee if they had pandemic-related concerns. *See also* Matthews Mock Dep. Tr. 22:9–23:6.

23. In March 2020, Governor Hutchinson issued executive orders declaring a state of emergency resulting from the global COVID-19 pandemic, which resulted in a shutdown. Recognizing that the pandemic affected voting, sometime late in the summer of 2020, Governor Hutchinson issued another executive order that allowed voters to use COVID-19 related concerns as legitimate reasons to request absentee ballots and vote absentee.

24. Previously, only a limited category of individuals could request absentee ballots: those absent from the polling site on Election Day, those unable to attend their polling site on Election Day because of illness or physical disability, members of the armed forces or their family members away from their polling locations because of active duty status, and any overseas U.S. citizens temporarily residing outside of the United States.

25. None of these categories included eligible voters who were fearful of exposing themselves or vulnerable family members or passing along the virus to others in the community. Governor Hutchinson, by executive order, expanded access to absentee voting in the State by including the desire to avoid public polling places.

26. LWVAR wholeheartedly supported these measures. LWVAR also anticipated that more voters would vote absentee because we were in a pandemic. In the midst of all of this, the LWVAR's Leadership Team began fielding more questions about the process of absentee voting and realized that there was a need to inform and educate voters about the process. As the Leadership Team was starting to devote more time on the absentee ballot process, the LWVAR Leadership Team recognized that the signature-matching requirement, date of birth matching requirement, and address matching requirement for absentee ballot requests and ballots, coupled with the State's failure to provide any notice and cure, created additional, unnecessary barriers for voters in the State. LWVAR recognized that these laws made it likelier that absentee ballots would be rejected and that absentee voters would not find out that their ballots were rejected until it was too late. *See also* Matthews Mock Dep. Tr. 89:21–91:18.

27. Before 2020, LWVAR was not focused on people who had their absentee ballots rejected. In other words, LWVAR was not focused on how voters must fill out absentee ballots to make sure that those ballots are counted. The pandemic brought to the fore how important the

process was for voters in our State. Because more people were going to vote absentee in 2020, and, especially after learning of the difficulties encountered by county clerks to match all the information on a voter statement and an absentee ballot application, LWVAR took on this issue, despite its limited volunteer time and capacity. *See also* Matthews Mock Dep. Tr. 90:24–91:18.

28. In 2020, as president of LWVAR, I was disappointed by how little the Secretary of State's office invested in outreach to the community and outreach to voters about how to fill out their absentee ballots. I was disappointed that the Secretary of State did not send mailings to voters explaining who could vote absentee. The Secretary of State's office left much of the education and documentation to county clerks, rather than providing uniform, accurate, and consistent instructions across all counties. The county clerks were stretched thin in 2020 and many did not have the capacity and personnel to go out into the community and educate voters about how they should fill out their absentee ballots.

29. Further, when a voter submitted an absentee ballot request, they could go to the Secretary of State's website and see that their application had been received. Many thought that this meant that the ballot request was accepted and that they would be receiving an absentee ballot. However, if the request was incomplete or incorrect, the voter would not be mailed an absentee ballot. This was confusing and caused a lot of concern. Social media posts from that time reflected this confusion with some posting that they had received their ballot and others that they had not. Those individuals were asking for help in resolving the issues. I do not recall any effort by the Secretary of State's office to assist individual voters by providing assurance of successful applications.

30. LWVAR's hope is that we have the most straightforward, accessible elections with the participation of all eligible voters. I would like to see in this lawsuit the removal of what

LWVAR views as barriers and attempts to limit access to the ballot box. Among other needed modernization for exercising voting rights, absentee voting should be made simple and excuse free. Voters should be able to exercise their rights by mailed ballots, early voting, and in person voting, whichever means best suits. Providing voters with notice and cure is important to make the process accessible and increase voter confidence. Minor errors of omission or inadvertent errors, such as an incorrect date of birth, could be cured if voters were informed of what is needed to prevent their absentee ballots from being rejected. *See also* Matthews Mock Dep. Tr. 82:4–17.

LWVAR’s work with the three local leagues generally and specific work around absentee voting/rejection/notice and cure in 2020

31. LWVAR Leadership Team works closely with the local leagues in various capacities. The members of the Leadership Team are also members of their local leagues. *See also* Matthews Mock Dep. Tr. 70:14–72:4; 94:11–95:16.

32. LWVAR encourages local leagues to convene monthly meetings. At many of these meetings, the local leagues have often invited featured speakers to present on an issue that are of interest to members—these topics have ranged from the benefits of recycling, the mechanics of registering 18-year-olds to vote, to discussions on how to vote absentee. *See also* Matthews Mock Dep. Tr. 15:10–23. Members of the LWVAR Leadership Team also attended these local league meetings. *See also* Matthews Mock Dep. Tr. 17:13–18:4.

33. The LWVAR Leadership Team (typically six to eight individuals) also has monthly business meetings, usually via zoom, during which we discuss how best to help the local leagues to carry out voter education and voter registration. For example, with respect to strategizing around voter registration, in the past the Leadership Team has discussed best practices to share with the local leagues, recommendations on where they might find individuals who needed to get

registered, and advice on how local leagues might get in touch with county clerks to get voter registration documents. *See also* Matthews Mock Dep. Tr. 17:13–18:4.

34. As I stated earlier in my declaration, LWVAR takes on many issues related to voting as well as in other areas such as education. LWVAR takes positions, either for or against issues, based on consensus of the membership. Issues to be studied can be proposed by any level: local, state, or national. The process of reaching consensus requires study of both pro and con positions followed by a vote of the membership. This happens at all levels and positions are taken only after consensus is reached. If the issue is strictly local, only the local league is involved, but if the issue has state-wide effect, all the local leagues study, vote, then forward their decision to the state league. LWVAR Leadership Team shares that consensus with the statewide membership, which includes members of the local leagues and also members at large who are not a part of any of the three local leagues. After making sure that all the statewide membership is informed about any potential consensus and giving statewide membership a chance to respond, the Leadership Team votes on whether to advocate for or against an issue. National issues require about two years of building consensus at local and state levels and a final vote at a national convention. *See also* Matthews Mock Dep. Tr. 38:15–25.

35. The LWVAR Leadership Team also reviews the activities of the local leagues to be sure that the information the local league members are sharing with the public is accurate and in compliance with the national and state league policies and procedures. We encourage local leagues to take action within their counties on different issue areas that are important to LWVAR, and we make sure that the local leagues have the information necessary to carry out their voter education, registration, and civic engagement. *See also* Matthews Mock Dep. Tr. 18:10–18. We

also encourage the local leagues to conduct trainings on various topics, including on election laws and procedures. *See also* Matthews Mock Dep. Tr. 30:9–25.

36. In the past, the Pulaski County League has invited representatives from Pulaski County to talk about the county's efforts to conduct voter outreach. Similarly, the Washington County League has invited their county clerk to discuss the voter outreach that the county clerk's office has done, such as the clerk's preparation of documents to train individuals how to register others to vote or how to restore voting rights to felons. Many local league members are interested in learning how to do that. *See also* Matthews Mock Dep. Tr. 18:19–19:6.

37. These local league meetings that I talked about earlier, also took place during 2020. Most happened over zoom. At one of these meetings convened by the Pulaski County local league, which I attended as the LWVAR representative, the Pulaski County election clerk was invited to talk about the absentee ballot request process. *See also* Matthews Mock Dep. Tr. 18:19–19:6.

38. At this meeting, the clerk informed attendees on the correct way to fill out absentee ballots. The clerk walked us through all the ways that the election commissioners compare absentee ballot voter statements to absentee ballot applications and records of previous signatures on voter documents and described reasons that might lead the commissioners to reject absentee ballots. During this meeting, I heard about the difficulties with the imprecise skill of signature matching by the clerk's office, the difficulties that arise when a voter included today's date instead of their birthdate, or when a voter filling in their address, listed a dorm room address instead of their home residence. *See also* Matthews Mock Dep. Tr. 89:21–90:23.

39. This meeting made me I realized how confusing the absentee voting process was. I relayed this information back to the Leadership Team. We decided to devote more of our human

resources to disseminating information on absentee ballot voting including on the importance of filling out the absentee ballot voter statement exactly right to match the application.

40. To that end in 2020, the LWVAR Leadership Team shared absentee ballot-related resources produced by the local leagues and the county clerks on our Facebook page, as a way to use social media to spread the word on how to vote absentee. *See also* Matthews Mock Dep. Tr. 30:9–20; 67:4–16; 92:5–94:4.

41. In 2020, LWVAR provided grants in the amount of \$300 to the local leagues to carry out their activities. LWVAR encouraged the local leagues to use part of that money to print absentee ballot requests, provide stamps, and educate the public about the absentee ballot process. *See also* Matthews Mock Dep. Tr. 70:14–72:4; 72:17–12.

42. LWVAR also engaged with the leaders of other community organizations and joined in their efforts to spread the word about absentee ballot requests. These organizations included Indivisible, the American Association of University Women, and the Unitarian Universalist Church of Little Rock. *See also* Matthews Mock Dep. Tr. 23:8–21.

My work, as LWVAR's president, on educating the public on absentee voting in 2020

43. In my capacity as LWVAR representative, I directly help voters generally and I directly helped voters around the absentee ballot process in 2020. Matthews Mock Dep. Tr. 83:23–84:22.

44. I have no tangible documents or records reflecting the time and effort I spent in the lead up to the 2020 general election educating voters on how to vote absentee and specifically talking about absentee ballot rejections and the lack of notice and cure.

45. For about three weeks in September 2020, in my capacity as a LWVAR representative, I distributed absentee ballot requests at the Stephens Elementary Community Food

Pantry, which primarily serves a low-income community in South Central Little Rock. I printed out approximately 300 absentee ballot requests, some of which I gave to other community groups and individuals who were similarly working to help eligible voters obtain absentee ballots. I encouraged friends to take absentee ballot requests to their churches and civic organizations (those that were meeting in person) and to any area where underserved voters might gather such as food pantries that continued to operate despite the pandemic.

46. I compiled approximately 100 envelopes, which included buying the envelopes and attaching to the envelopes the labels with the address of the Pulaski County clerk's office. I added stamps to each envelope. I then created a packet by attaching an absentee request to an addressed envelope.

47. I also created a sample absentee application on which I highlighted the necessary fields; my plan was to use the highlighted application as a sample to walk voters through the process. This was part of my educational strategy to get voters to become comfortable with the absentee ballot process. The individual printing and preparation of materials took several hours of my personal time. The discussions and education work took more.

48. I took these approximately 100 absentee request packets to a local food pantry. When I identified individuals who were eligible absentee voters, I handed them absentee request packets, and informed them that they could vote absentee because of fear of contracting or spreading COVID-19. If they seemed confused, then I took the time to walk them through the request form and all the requirements.

49. I also walked voters through what fields they needed to double check on the voter statement, telling each voter I spoke with to make sure that those fields were complete and matched with their voter registration document. I warned voters that their ballots might be rejected and that

they likely would not find out until after the election. For voters who expressed that they had family and community members who were eligible to vote absentee, I gave them extra copies of addressed and stamped envelopes and absentee ballot requests. I included three additional stamps to be used mailing the actual ballot.

50. In September 2020, a member of my church asked me to help her mother navigate the absentee ballot process. The mother who had recently relocated to Little Rock and registered to vote, was concerned that her absentee ballot might get rejected and wanted to do it right. I went to meet this individual at her house. I brought an absentee ballot request and explained in detail the process to request an absentee ballot, what fields she should exercise care in filling out, and warned her that she would not have a chance to fix any errors if it was rejected. I took her completed application to the county clerk's office to ensure delivery. This was when news stories of delayed mail were circulating and many were fearful that mailed forms and ballots would not reach their destinations in time.

51. I also shared absentee ballot application printouts with other partner organizations including Indivisible, the American Association of University Women, and the Unitarian Universalist Church of Little Rock. I encouraged the leaders of these groups to help voters navigate the absentee ballot process, providing them with instructions from the county clerk's office. *See also* Matthews Mock Dep. Tr. 22:9–24:3.

Diversion of LWVAR's human capital away from LWVAR's core activities in 2020 and beyond

52. In 2020, because the LWVAR Leadership Team began devoting much of its time to the issue of absentee ballots, it had to shift time away from other ongoing activities that are at the core of the organization's work. *See also* Matthews Mock Dep. Tr. 86:1–94:3.

53. During the spring, summer, and fall of 2020, The LWVAR Leadership Team was involved in the nonpartisan redistricting initiative—this project required members to attend meetings, organize the gathering of thousands of petitions that needed to be notarized and with only ten allowed per page, and fighting a lawsuit that challenged the validity of the petitions gathered as a part of the initiative. I was able to spend less time on this initiative because I was so busy working on educating the public about absentee voting, absentee ballot rejections, and interfacing with local leagues on the issue. *See also* Matthews Mock Dep. Tr. 69:3–18; 70:10–13.

54. The LWVAR Leadership Team was also working on the upcoming redistricting in the State. I began to use redistricting software to draw maps and submit to them to the legislature. I did not spend as much time as I wanted to on the upcoming redistricting because I was spending much of my time on the absentee ballot rejection issue and voter education surrounding it. I was not able to work with members of the local leagues to encourage their members to give a try at using redistricting software. Submission of community members' maps was considered an important part of encouraging citizen involvement in redistricting but, as I said, we were focused on making sure people had a safe way to vote. *See also* Matthews Mock Dep. Tr. 69:3–18; 70:10–13.

55. LWVAR was also filling out the Arkansas webpage for the National League's Vote411.org, an election website with information on state-wide candidates and issues in the 2020 General election. I was the point person for statewide elections and issues. The database that I was working with required focused time and attention. I had to verify the candidates for each statewide office and include their contact information in the Vote411 database. The Secretary of State's office listing of candidates often did not include or had inaccurate email addresses or phone numbers. Because the Vote411 site had a questionnaire asking for candidate response, contact

specific to the candidate was essential. Simply listing a campaign website was insufficient. The “contact us” on these websites was frequently limited to soliciting donations and this attempt to reach the candidate usually was not successful. Often, I would seek contact information from other organizations such as the Farm Bureau or a political party’s website. Using their records, I would individually email each candidate asking for a response to ensure that I had a good contact. This work took time and had to be performed in big blocks. Five minutes of free time here or there was useless in Vote411 work. I was not able to devote the same amount of time as I had in past years to gathering, editing, and putting candidate and issue-related information on the Vote411.org website. I was not able to devote as much time to obtaining all of the contact information for all of the candidates running for statewide office, contacting them, and urging them to fill out the candidate survey questions on the Vote411.org website. *See also* Matthews Mock Dep. Tr. 64:14–65:19.

56. In the past, members of the LWVAR Leadership Team along with the local leagues, has spent a significant amount of time registering voters. On behalf of LWVAR, I attend community events at various places including at local churches, schools, and stores to help register eligible citizens. I was not able to devote the same amount of time to voter registration efforts as in previous years because of the amount of time and effort I had to spend on the absentee ballot rejection issue. *See also* Matthews Mock Dep. Tr. 19:19–20:25.

57. I expect that if the State does not provide notice and cure, the LWVAR Leadership Team will have to expend its finite time continuing to educate the public and field calls from confused and anxious absentee voters. *See also* Matthews Mock Dep. Tr. 83:23–84:22.

58. If that is the case, then our Leadership Team will not be able to devote the same amount of time, energy, and personnel to the many other issues that require the attention of the

LWVAR Leadership Team. These include refocusing on the nonpartisan redistricting initiative and gathering petitions as well as monitoring and testifying in legislative committees working on voter issues. These initiatives are very important to LWVAR.

59. The LWVAR Leadership Team will not be able to spend as much time working on a new edition of the publication *Government in Arkansas*, which will require extensive reviewing, editing and proofreading before release of the next edition. LWVAR has grand plans to produce an online textbook complete with color photos and active links to additional documents. Links to Encyclopedia Arkansas, to the Arkansas Constitution, and to government websites would enhance the utility of this civics textbook. I will not be able to devote as much of my time on advertising this publication to Arkansas's schools and teachers or to raising the funds to print the publication in color. See also Matthews Mock Dep. Tr. 46:1-49:13.

60. LWVAR plans to continue registering voters, with a focus on 18-year-olds in high school and eligible citizens in poorly represented areas. But if LWVAR leadership has to work on the absentee ballot rejection issue, then it will have less time to devote to registering new voters.

Executed on January 24, 2023 in Little Rock, Pulaski County, Arkansas.

BY: 
Nell Matthews Mock

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS, et al.,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, et al.,

Defendants.

Case No. 5:20-cv-05174-PKH

PLAINTIFFS' STATEMENT OF MATERIAL FACTS

For their statement of material facts, Plaintiffs state as follows:

A. *Arkansas' Procedures for Requesting, Completing, and Submitting an Absentee Ballot*

1. To register to vote in Arkansas, an individual must provide, among other information, her full name, mailing address, residence address, date of birth, and signature.

Arkansas Const. Amend. 51 § 6(a)(3)(A)-(C), (E)-(F).

2. A voter may request an absentee ballot by filling out an application form or submitting a write-in request. Ark. Code Ann. § 7-5-404(a)(3). The absentee ballot application form or write-in request may be submitted either in person at the office of the county clerk until the close of business on the day prior to the election, or by mail or electronic means so long as the county clerk receives the form or request no later than seven days before the election. *Id.*

3. The absentee ballot application form is prescribed by the Arkansas Secretary of State. Ark. Code Ann. § 7-5-405(a)(1). It must include the voter's printed or typed name, address, date of birth, signature attesting to the correctness of the information provided on the

form, and a sworn statement that the voter is registered to vote and is the person who seeks to vote by absentee ballot. Ark. Code Ann. §§ 7-5-405(a)(2)(G), 7-5-405(a)(3)(A).

4. The county clerk must verify the application for an absentee ballot “by checking the voter’s name, address, date of birth, and signature from the registration records unless the application is sent by electronic means.” Ark. Code Ann. § 7-5-404(a)(1)(A). If the application is sent by electronic means, the application must include “a verifiable facsimile of the applicant’s signature.” Ark. Code Ann. § 7-5-404(a)(1)(B)

5. The county clerk compares the voter’s signature on the absentee ballot application to the voter registration application at the time that the county clerk receives a voter’s absentee ballot application. Ark. Code Ann. § 7-5-404(a)(1)(A). “If the signatures on the absentee ballot application and the voter registration [application] record are not similar, the county clerk shall not provide an absentee ballot to the voter.” Ark. Code Ann. § 7-5-404(a)(2)(A).

6. If a county clerk rejects an absentee ballot application because the application and voter registration record “are not similar,” the clerk must “provide notice promptly to the voter of the rejection” and “allow the voter to resubmit the request.” Ark. Code Ann. § 7-5-404(a)(2)(B). The county clerk must notify a voter of any error on their absentee ballot application by the “most efficient means available, including without limitation by telephone or email; and [w]ritten notice sent by first-class mail to the address where the voter is registered to vote.” Ark. Code Ann. § 7-5-404(a)(2)(C).

7. The county clerk must “satisfy himself or herself that the applicant for an absentee ballot is a qualified registered elector in the ward precinct, or township in which he or she claims to be a resident. . . .” Ark. Code Ann. § 7-5-409(a)(1)(A). The county clerk must also “verify that the application has been properly signed by the applicant” and if “the

application is not properly signed, the application shall be rejected by the county clerk.” Ark. Code Ann. § 7-5-409(a)(1)(B). And if the “application is not properly signed,” then “[t]he county clerk shall notify the applicant of the reason for the rejection.”

Ark. Code Ann. §§ 7-5-409(a)(1)(B)-(C). “If the county clerk is unable to contact the applicant to cure the deficiency, the county clerk shall forward the application with the reason for rejection to the county board of election commissioners” and “[t]he county board of election commissioners shall determine whether the applicant is a qualified elector.” Ark. Code Ann. §§ 7-5-409(a)(2).

8. After the county clerk approves the absentee ballot application, the county clerk will mail or deliver to the voter an official absentee ballot for each election named in the application; instructions for voting and returning the absentee ballot to the county clerk; an official absentee ballot secrecy envelope on which the words “Ballot Only” must be written or printed; a sealable envelope with the words “Return Envelope” written or printed on the outside and including the address of the county clerk; a voter statement; and, if applicable, an authorized agent form. Ark. Code Ann. § 7-5-409(b)(1)-(5).

9. The materials provided to the absentee voter do not include a copy of the voter’s absentee ballot application. *See id.*; *see also* Ark. Code Ann. § 7-5-410 (prohibiting placement of “any notice, advertising material, or other advice with the material delivered or mailed to the applicant, other than instructions as to the method of casting an absentee ballot”). The materials provided to the absentee voter do not notify the voter that their absentee ballot may be disqualified if election officials determine that the name, address, date of birth, or signature on the voter statement do not compare to the name, address, date of birth, or signature on the absentee ballot application. Ex. 16 at DEFS_066935; *see also* Ex. 29.

10. The voter statement sent to the absentee ballot voter includes a sworn statement that the voter is providing the information under penalty of perjury and an acknowledgment that if the voter provides false information he or she may be subject to criminal penalty; that the voter resides at the address on his or her application; blank spaces for the voter to provide his or her name, signature, address, date of birth, or if applicable the same information for the voter's administrator, agent, or designated bearer; and a sworn statement that the voter is registered to vote and that he or she is the person who registered. Ark. Code Ann. § 7-5-409(b)(4).

11. After filling out the absentee ballot, the voter must place their marked ballot in the secrecy envelope and seal the envelope containing the absentee ballot. Ark. Code Ann. § 7-5-412(a). Then the voter must place the absentee ballot envelope, the voter statement, and verification of voter registration or copy of a valid photographic identification in the outer envelope. Ark. Code Ann. § 7-5-412(a).

B. *Procedures for Canvassing and Disqualifying Absentee Ballots*

12. Election officials are permitted to meet as early as the Tuesday before Election Day for the purpose of “opening the outer envelope, processing, and canvassing of absentee ballot paper work.” Ark. Code Ann. § 7-5-416(a)(1). But election officials are not permitted to meet “earlier than 8:30 a.m. on election day for the purpose of opening the inner absentee ballot envelope and counting the absentee ballots, Ark. Code § 7-5-416(a)(1), with the exception that, “[t]he absentee ballots of armed services personnel serving in active statute shall be counted if received by the county clerk no later than 5:00 p.m. ten (10) calendar days after the date of the election and if the absentee ballots were executed no later than the date of the election,” Ark. Code Ann. § 7-5-411(a)(1)(B)(ii). Election officials must report the initial count of early and absentee votes to the Secretary of State “as soon as practical after the polls close on election day.” Ark. Code Ann. § 7-5-416(a)(7)(B)(i); *see also* Ex. 17, at DEFS_066818.

13. Under the “supervision and at the direction of” the local county board of election commissioners, Ark. Code Ann. § 7-5-414(c), two election officials appointed by the CBEC “process, count, and canvass the absentee voters’ ballots in all elections,” Ark. Code Ann. § 7-5-414(a). The election clerks open each outer absentee ballot envelope and review the paperwork in the envelope, but are not permitted to open the secrecy envelope earlier than 8:30 a.m. on election day. Ark. Code Ann. § 7-5-414(a); Ark. Code Ann. § 7-5-416(a)(1).

14. One of the two election officials must open outer absentee ballot envelopes “one by one and verify the contents.” Ark. Code Ann. 7-5-416(b)(1); Ex. 17 at DEFS_066747.

15. If the required materials are properly placed in the outer absentee ballot envelope, the election official must then read aloud from the voter statement the name of the voter, Ark. Code Ann. § 7-5-416(b)(1)(B), and “[a]s each outer envelope is opened and the name of the voter is read, the election officials for the absentee box shall list the name and voting precinct of the voter,” Ark. Code Ann. § 7-5-416(b)(1)(E). In the event that the required materials are inadvertently placed in the secrecy envelope, the second election official is permitted to verify its contents—while preserving the secrecy of the ballot—place the materials in the proper outer envelope, and read aloud the voter statement and voting precinct of the voter. Ark. Code Ann. § 7-5-416(b)(1)(D).

16. After the election official reads aloud from the voter statement, “the election officials shall compare the name, address, date of birth, and signature of the voter’s absentee application with the voter’s statement and, for first-time voters who registered by mail, the first-time voter’s identification document unless the voter previously provided the identification at the time of mailing the voter registration application.” Ark. Code Ann. § 7-5-416(b)(1)(F)(i).

17. If either of the absentee ballot election officials finds that the name, address, date of birth, or signature on the voter statement does not compare to the name, address, date of birth, or signature on the voter's absentee ballot application, the election officials set the absentee ballot materials aside to be reviewed by the three-member county board of election commissioners, consisting of the Chairperson and two other commissioners. Ex. 16 at DEFS_066927.

18. The absentee voter is not notified that the absentee election officials have set the absentee ballot aside for review by the county board of election commissioners on the basis of a finding that the name, address, date of birth, or signature on the voter statement does not compare to the name, address, date of birth, or signature on the absentee ballot application. See Ex. 2 (Anzalone Dep.) at 28:2-28:13.

C. *Review and Disqualification of Absentee Ballots by County Boards of Election Commissioners*

19. Each county in Arkansas has a county board of election commissioners ("CBEC"). Each CBEC comprises three members: two members elected by the county committee of the majority political party and one member elected by the county committee of the minority political party. Ark. Code Ann. § 7-4-102(a)(2). The three members of the CBEC elect their own chair, with two votes constituting a quorum sufficient to elect the chair.

Ark. Code Ann. § 7-4-105(a).

20. The CBEC's many duties include ensuring compliance with all legal requirements relating to the conduct of elections, Ark. Code Ann. § 7-4-107(a), and appointing the requisite number of election officials at each polling site at least 20 days in advance of an election.

Ark. Code Ann. 7-4-107(b). In addition, a CBEC must make the ultimate determination as to whether an absentee voter statement and application designated as non-comparing by the two

absentee election officials will count or will be rejected. Ark. Code Ann. § 7-5-416(b)(1)(F)(ii) (“If the county board of election commissioners determines that the application and the voter's statement do not compare as to name, residential voting address, date of birth, and signature, the absentee ballot shall not be counted.”). If the CBEC determines that this information does not compare, the CBEC disqualifies the absentee ballot. *Id.* A disqualified absentee ballot is not counted in the election results. *Id.*

21. Only after the CBEC makes the determination that an absentee vote will not count is the CBEC then required to “promptly notify the person who cast the vote,” by written notice that their vote was not counted and stating the reason or reasons behind that determination. Ark. Code Ann. § 7-5-902(a)-(b).

22. The CBEC is not required to notify the voter before making a determination that the voter's absentee ballot will not count in the election. The CBEC is not required to provide the voter an opportunity to cure a non-comparing name, address, date of birth, or signature between the absentee ballot application and voter statement. Ex. 7 (Shults Dep.) at 97:6-97:15.

23. There were at least 427 absentee ballots rejected after CBECs determined that signature, name, address, and date of birth fields on voter absentee ballot applications and voter statements did not compare in Arkansas elections from August 2021 through June 2022. Ex. 18 at 8-9. Defs. There were 1,757 provisional ballots in the elections from August 2021 through June 2022. *Id.*

24. Jefferson County sends a notice to every voter the day after the election, including absentee voters, who are at risk of having their vote not counted so that the voter has the opportunity to come to a hearing to cure their mistake. Ex. 1 (Adam Dep.) at 158:10-159:1.

Commissioner Mike Adam said, “[w]e do it because we think it’s the right thing to do.” Ex. 1 (Adam Dep.) at 145:13-145:17.

25. The comparison process has not uncovered a confirmed instance of voter fraud. Ex. 7 (Shults Dep.) at 179:22-184:2. Even county election officials have not described the comparison process as a means to identify or prevent fraud. Ex. 5 (Oelschlaeger Dep.) at 159:17-159:21.

26. With limited exceptions for military personnel and residents of long-term care facilities, “if a voter voting by absentee ballot fails to submit with the ballot” a valid identification documentation “the absentee ballot shall be considered a provisional ballot.” Ark. Const. Amend. 51 § 13(b)(3).

27. The absentee ballot of a first-time voter who registered to vote by mail (and did not provide a valid form of identification at the time of registration) that does not include valid identification documents is treated differently than an absentee ballot of a voter that is designated as non-comparing. § 7-5-412(a)(2)(A)–(B).

28. Rather than having their ballot rejected outright, an absentee voter who fails to provide voter identification in her ballot paperwork is notified of the error and given a chance to cure the omission until noon on the Monday following the election.

Ark. Const. Amend. 51 § 13(b)(5)(A)–(B); Ark. Code Ann. § 7-5-308(f)(2)(A). A voter is promptly notified if they do not provide voter identification when they submit an absentee ballot, and the voter is able to submit a sworn verification of identity affirmation by presenting a copy of a document or identification card to the county clerk or the county board of elections commissioners to cure their provisional ballot. Ark. Const. Amend. 51 § 13(b)(5)(A)–(B); Ark. Code Ann. § 7-5-416(b)(1)(F)(iii); *see also* Ex. 17 at DEFS_066750-51. When examining

provisional ballots before certification of the results of the election, if the county board of election commissioners suspects that a violation of election laws has occurred, the county board may refer the matter to the prosecuting attorney. Ex. 7 (Shults Dep.) at 184:17-185:8.

29. Ex. 13 is a spreadsheet “of disqualified absentee ballots in the 2020 General Election in Pulaski County.” See Williford Decl. at ¶ 16; see also Ex. 12.

D. Shirley Faye Fields’ Absentee Ballot Was Disqualified in November 2020

30. Plaintiff Shirley Faye Fields (“Fields”) is 70 years old. Ex. 9 at LWVAR0000032.

31. Ms. Fields submitted an absentee ballot application dated October 2, 2020, which was received by the Pulaski County Clerk on October 5, 2020. Ex. 9 at LWVAR0000032. Ms. Fields correctly provided her printed name and address twice (once as the mailing address for the absentee ballot and once as “Voting Residence Address of Voter”), her birthday, and her signature on the absentee ballot application. *Id.*

32. Ms. Fields submitted the voter statement with her absentee ballot for the November 2020 general election. Ex. 9 at LWVAR0000031. She correctly provided her name (twice), her address, date of birth, and signature above the line for “Signature of Absentee Voter” in Box 5, “Optional Verification of Voter Identity Affirmation,” declaring “under penalty of perjury, that I am registered to vote in the State of Arkansas and that I am the person who is registered using the information entered” on the voter statement. *Id.* Fields omitted her signature above the line for “Signature of Absentee Voter” in Box 6, “Required Absentee Voter Statement,” which signature affirms that “[t]he information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten (10) years, or both, under federal of [*sic*] state laws.” *Id.*

33. Ms. Fields' absentee ballot was disqualified in the November 2020 general election and therefore was not included in the tabulated election results. Ex. 13 at LWVAR0023520. The explanation for disqualification of Ms. Fields' ballot in Pulaski County's records is: "voter identification documents missing and signature missing." *Id.*

34. Commissioner Adam, of Jefferson County, testified that election officials may not consider a signature written in the "Optional Verification of Identity Affirmation" instead of in Box 6 on the voter statement form. Ex. 1 (Adam Dep.) at 178:11-178:14. Where an absentee ballot application and voter statement are found not to compare as to signature, name, address, or date of birth, and the voter has omitted his or her voter identification document, the voter does not receive an opportunity to cure the missing voter identification document. Ex. 7 (Shults Dep.) at 100:16-100:24.

E. *Mary Joy McNamer's Absentee Ballot Was Disqualified in November 2020*

35. Plaintiff Mary Joy McNamer ("McNamer") is 82 years old. Ex. 10 at LWVAR0000094.

36. Ms. McNamer submitted an absentee ballot application on August 26, 2020, which was received by the Pulaski County Clerk on September 3, 2020. Ex. 10 at LWVAR0000096. Ms. McNamer correctly provided her name (twice), date of birth, and signature. *Id.* Ms. McNamer wrote her address correctly as the mailing address to which she requested the absentee ballot be mailed. *Id.* Ms. McNamer wrote the same address as the "voting residence address of voter," but with a single incorrect digit in the zip code. *Id.* Instead of "72223", Ms. McNamer wrote "72203." *Id.* The zip code in the address of the Pulaski County Clerk, which Ms. McNamer wrote at the top of the application, is also "72203." *Id.* The Pulaski County Clerk accepted Ms. McNamer's absentee ballot application despite this error.

37. Ms. McNamer submitted the voter statement with her absentee ballot for the November 2020 General Election. Ex. 10 at LWVAR0000095. Ms. McNamer correctly provided her name, address, date of birth, and signature on the voter statement. *Id.* A poll worker wrote “zip code differs” on the irregular absentee form attached to Ms. McNamer’s absentee ballot paperwork. Ex. 10 at LWVAR0000094.

38. Ms. McNamer’s absentee ballot in the November 2020 General Election was disqualified and therefore was not included in the tabulated election results. Ex. 13 at LWVAR0023545. The explanation for disqualification of Ms. McNamer’s ballot in Pulaski County’s records is: “information on app and voter statement does not match.” *Id.*

F. *Marnette Wendi Pennington’s Absentee Ballot Was Disqualified in November 2020*

39. Plaintiff Marnette Wendi Pennington is 75 years old. Ex. 11 at LWVAR0000086.

40. Mrs. Pennington submitted an absentee ballot application in 2019 requesting to vote absentee because she was “unable to attend the polls on Election Day because of illness or physical disability” pursuant to which she received an absentee ballot for the November 2020 General Election. Ex. 11 at LWVAR0000088; *see* Ark. Code Ann. § 7-5-404(b)(2)(D)(ii) (“For a voter with a disability . . . the application shall remain in effect for one (1) calendar year unless withdrawn by the voter.”). Mrs. Pennington correctly provided her printed name and address (including the “zip plus four”) twice (once as the mailing address for the absentee ballot and once as “Voting Residence Address of Voter”), her birthday, and her signature on the absentee ballot application. Ex. 11 at LWVAR0000088.

41. Mrs. Pennington submitted the voter statement with her absentee ballot for the November 2020 General Election. Ex. 11 at LWVAR0000087. Mrs. Pennington correctly provided her name, city, state, zip code (including the “zip plus four”), date of birth, and signature. *Id.* Mrs. Pennington omitted her street name and number from the voter statement.

Id. A poll worker wrote “Address missing on voter statement” on the Irregular Absentee Form attached to Mrs. Pennington’s absentee ballot paperwork. Ex. 11 at LWVAR0000086.

42. Mrs. Pennington’s absentee ballot in the November 2020 General Election was disqualified and therefore was not included in the tabulated election results. Ex. 13 at LWVAR0023553. The explanation for disqualification of Mrs. Pennington’s ballot in Pulaski County’s records is: “information on app and voter statement does not match.” *Id.*

G. *John McNee Has Significant Concerns that He Will Cast an Absentee Ballot that Is Disqualified*

43. Plaintiff John Robert McNee is a 73-year-old attorney. McNee Decl. ¶ 1.

44. Mr. McNee is a military veteran and has been a resident of Arkansas since 1974, and a registered, eligible voter in Arkansas since 1978. McNee Decl. ¶¶ 1-2.

45. Mr. McNee has a heart pacemaker, a prosthetic heart valve, and a tremor. McNee Decl. ¶ 3.

46. Due to Mr. McNee’s age and tremor, his handwriting is inconsistent and varies at times. McNee Decl. ¶ 4.

47. Although Mr. McNee is able to sign his name, his tremor makes his hand unsteady shortly after he begins signing his name which results in significant variations in his signature. *Id.*

48. Mr. McNee’s fears that his tremor may only get worse over time. McNee Decl. ¶ 5.

49. As a result of his inability to replicate his signature, Mr. McNee is concerned that his vote will be thrown out when he votes by absentee ballot. McNee Decl. ¶ 8. Mr. McNee’s faith in the Arkansas election process has been undermined by the lack of opportunity to confirm his absentee ballot. McNee Decl. ¶ 9.

H. *The Arkansas SBEC Has Supervisory Authority Over the Review and Disqualification of Absentee Ballots*

50. The SBEC's primary duties are training county election officials, reimbursement of state-funded elections, and investigation of complaints filed by citizens related to alleged violations of election or voter registration law. Ex. 7 (Shults Dep.) at 14:15-15:4.

51. The SBEC may exercise its investigatory and enforcement authority in counties that do not follow the SBEC's rules, training, and guidance regarding Arkansas election law. Remedies include (i) letters of caution, warning, and reprimand; (ii) corrective action; (iii) assumption by the SBEC of the county's duties of directly administering the election; and (iv) withholding state reimbursement for a county's expenses in administering a preferential primary election. Ex. 7 (Shults Dep.) at 14:15-20:5.

52. Prior to a preferential primary, each member of the county board of election commissioners, county clerk or his or her designee, poll worker, and certified election monitor must "attend election training coordinated by the State Board of Election Commissioners." Ark. Code Ann. § 7-4-109(e). The 2022 version of this training includes a section on "Absentee Ballot Comparisons." Ex. 16 at DEFS_066934-966.

53. All election officials, including election commissioners, must have completed the election training coordinated by the SBEC, within the twelve months before the election. Ark. Code Ann. § 7-4-107(b). Members of CBECs must receive the SBEC's training to execute the processing, counting, and rejecting of absentee ballots. Ex. 16 at DEFS_066934 – 966; *see e.g.* Ex. 3 at 18:20-19:1; Ex. 1 (Adam Dep.) at 68:05-69:14; Ex. 4 (Harris Dep.) at 41:12-42:22; Ex. 5 (Oelschlager Dep.) at 45:14-47:10; Ex. 2 (Anzalone Dep.) at 24:15-25:16; Ex. 6 (Scott Dep. at 9:2-9:22. The CBECs must "[e]xercise its duties consistent with the training and materials provided by the State Board of Election Commissioners." Ark. Code Ann. § 7-4-107(a).

I. *Signature Comparison by Election Officials Inevitably Leads to Disqualification of Eligible Voters' Absentee Ballots*

54. “[P]opulations with greater signature variability, [include] the elderly, disabled [individuals], individuals suffering from poor health, and young voters.” Ex. 8 (Mohammed Expert Report) at 9.

55. “Arkansas election officials . . . have a significantly higher rate of error in determining whether signatures are genuine” and they are more likely to incorrectly “determine that authentic signatures are not genuine than to make the opposite error.” *Id.*

56. Older voters and those who have medical conditions are prone to have variations in their signature from one document to the other, and generally have a hard time signing their name. *See* McNee Decl. ¶ 4; Ex. 1 (Adam Dep.) at 39:20-42:2.

57. Election officials are not handwriting experts. Ex. 16 at DEFS_067898. Election officials “will make erroneous signature-comparison determinations.” Ex. 8 (Mohammed Rpt.) at ¶ 30. Based on my review of the relevant statutes and guidance, Arkansas does not require election officials to compare the signatures on the voter statement returned with the absentee ballot to other signatures available on file beyond the absentee ballot application, or spend any minimum threshold of time in comparing signatures. These omissions are likely to lead to additional errors. Ex. 8 (Mohammed Rpt.) at ¶ 34. A reliable signature comparison process requires extensive training with different types of signatures, excellent eyesight as well as adequate time, magnification and lighting equipment, and contemporaneous specimen signatures. Ex. 8 (Mohammed Rpt.) at ¶ 47.

58. The SBEC has admitted that some signatures will fall into the “on the fence” category where a commissioner could decide either that they do or do not compare consistent with the SBEC’s training and guidance. Ex. 7 (Shults Dep.) at 82:19-83:11; 91:23-92:8.

59. County election commissioners reached different results in testimony regarding an example the SBEC considers “on the fence.” Board of Elections Commissioner Chairman Michael Adam found the exemplar signature on Slide 92 in the 2022 County Board of Election Commissioners’ Training to be dissimilar. Ex. 1 (Adam Dep.) at 129:5-129:15; Ex. 16 at DEFS_066951. Board of Elections Commissioner Chairman Renee Oelschlaeger found the exemplar signature on Slide 92 in the 2022 County Board of Election Commissioners’ Training to be similar. Ex. 5 (Oelschlaeger Dep.) at 101:4101:22; Ex. 16, DEFS_066951.

60. In Washington County, commissioners may only “glance” for “two seconds” at a signature in order to compare it. . Ex. 5 (Oelschlaeger Dep.) at 98:8-98:21.

61. In Jefferson County, a commissioner may spend “a couple of seconds” to “a couple of minutes” comparing signatures. Ex. 1 (Adam Dep.) at 125:24-126:18.

62. In Benton County, “[i]t takes [election officials] at least a minute to process every application” and try “to do things as quickly as possible, but still be correct.” Ex. 2 (Anzalone Dep.) at 65:21-65:25.

J. *Voters Currently Have No Recourse If Their Ballot Is Disqualified or If They Are Concerned Their Ballot Will Be Disqualified*

63. The SBEC received a complaint from a voter that his absentee ballot was erroneously rejected in the November 2020 general election. Upon receiving the news that his ballot had been disqualified based on signature mismatch and he had no way to correct the apparent error, one Arkansas voter stated to the SBEC, “[i]t is a terrible way to run an election.” Ex. 15 at DEFS_008635.

64. SBEC Director Daniel Shults described the Ronald Mitchell complaint, “essentially the voter [was] suggesting that their – that their ballot wasn’t counted and based on the – the allegations here that it was, in fact, their vote. . . .” The SBEC dismissed this complaint

for a lack of timeliness, DEFS_008648, but forwarded the complaint to the Hot Springs County Election Commission because, there was “certainly a concern there that needs to be addressed.”

Ex. 7 (Shults Dep.) at 117:23-118:11.

K. *LWVAR Has Diverted Resources Because of the Absence of Notice and Cure for Absentee Ballot Comparison Issues*

65. Organizational plaintiff League of Women Voters of Arkansas (“LWVAR”) is a nonpartisan, nonprofit, membership organization, Mock Decl. ¶ 3, that educates voters, registers eligible citizens to vote, hosts candidate forums, helps voters to understand the issues on the ballot, and engages in advocacy and education on issue-specific state policies. Mock Decl. ¶ 4; Defs.’ Ex. 5 (Mock Dep.) at 11:11-11:16, 15:11-15:19, 101:9-101:11.

66. LWVAR is an affiliate of the League of Women Voters of the United States, Mock Decl. ¶ 3, and oversees three local Leagues in Arkansas, which are all considered members of LWVAR. Mock Decl. ¶ 6; Defs.’ Ex. 5 (Mock Dep.) at 16:13-16:24.

67. LWVAR is dedicated to promoting civic engagement and protecting democracy through advocacy, voter education, and voter assistance. Mock Decl. ¶ 3. LWVAR’s member county chapters engage in statewide outreach to voters while LWVAR expends its primary resource—time—working with the county chapters to ensure that they provide comprehensive and accurate information to voters, and posting educational material regarding absentee ballot rejections on social media. Mock Decl. ¶¶ 35-36, 40. LWVAR also joins the efforts of other community organizations leaders to engage in communications with individual voters on the issues of compliance with absentee ballot requirements. Mock Decl. ¶ 42.

68. During the COVID-19 pandemic, LWVAR increasingly focused its education and advocacy efforts on both increasing access to absentee voting and ensuring that eligible absentee

voters have their votes counted. Mock Decl. ¶¶ 12-23, 26-27; *see also* Defs.' Ex. 5 (Mock Dep.) at 22:22-22:6, 34:10-34:18.

69. In particular, Nell Matthews Mock, the former president of LWVAR, brought the absentee verification matching process to the attention of the LWVAR leadership team in light of the COVID-19 pandemic when more people were expected to vote absentee and in particular after the Pulaski County Clerk discussed the nuances of the matching and rejection process at a local Pulaski County League meeting. Mock Decl. ¶¶ 30-40. Ms. Matthews Mock realized how confusing and arbitrary the matching process was and the leadership team then decided to make absentee education a priority for 2020. Mock Decl. ¶¶ 38-40.

70. Since then, LWVAR has shared absentee ballot-related resources produced by local Leagues and county clerks to social media, provided general grants to local Leagues and encouraged them to use the grant money toward helping voters vote absentee and educating the public about the absentee voting process, and engaged with other community organizations to educate the public about the absentee ballot process. Defs.' Ex. 5 (Mock Dep.) at 32:7-32:25; Mock Decl. ¶¶ 39 – 41.

71. Ms. Matthews Mock spent time and resources printing absentee requests and addressing and stamping envelopes, distributing absentee ballot requests and stamped/dated envelopes, creating voter assistance materials by highlighting certain fields on the absentee requests, and distributing those materials directly to voters and to the leaders of other community organizations and churches. Mock Decl. ¶¶ 42 – 47. She took time to explain the absentee ballot comparison process and took the time to warn voters that they would have to get it right the first time, in ways that the State voter forms do not, Mock Decl. ¶¶ 47–49, including explaining that voters would have to make sure that the fields they filled out in their absentee ballot applications

matched with the fields on their voter statements, Mock Decl. ¶¶ 48-49; Defs.' Ex. 5 (Mock Dep.) at 39:24-40:7, 84:2-84:22.

72. In her capacity as president of LWVAR in 2020, Ms. Matthews Mock's work concerning absentee voting broadly, and specifically educating voters and other groups about absentee rejections, consumed the limited amount of time that she had planned to use toward other LWVAR projects, such as the nonpartisan redistricting initiative, rank choice voting, an annual candidate and election issue publication, and voter registration efforts. Defs.' Ex. 5 (Mock Dep.) at 86:2-86:12, 90:24-91:7; Mock Decl. ¶¶ 51-55.

73. Ms. Matthews Mock expects that if the State does not provide notice and cure, the LWVAR leadership team's time and resources will continue to be diverted from the above-referenced ongoing initiatives, and in addition from testifying before the legislature which is session this year, and instead towards educating the public and fielding calls from confused absentee voters. Mock Decl. ¶¶ 56-59.

Dated : January 24, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 24, 2023, I filed a copy of the above Plaintiffs' Statement of Material Facts with the Court's electronic filing system, which will send notice to:

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

LEAGUE OF WOMEN VOTERS OF
ARKANSAS, et al.,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as the Secretary of State of Arkansas, et al.,

Defendants.

Case No. 5:20-cv-05174-PKH

**PLAINTIFFS' RESPONSE TO DEFENDANTS'
STATEMENT OF MATERIAL FACTS**

Defendants' SOF No. 1. The claims brought by individual Plaintiffs Robert Allen, Aelica I. Orsi, Marshall Wayne Sutterfield, and Myra H. Tackett have all been dismissed. Doc. 48 (Allen); Docs. 88, 89 (Orsi); Docs 90, 91 (Sutterfield); Docs. 99, 100 (Tackett).

Response to No. 1: Undisputed.

Defendants' SOF No. 2. Plaintiff John McNee has not had an absentee ballot rejected. Doc 42 (2d Am. Compl.) ¶ 11.

Response to No. 2: Mr. McNee's absentee ballot was not rejected in the November 2020 General Election. As set forth in Mr. McNee's affidavit and Plaintiffs' Statement of Material Facts ("Pls' SOF"), Mr. McNee is concerned that his absentee ballot will be rejected in the future as a result of a health condition that causes variation and vibration in his signature. McNee Decl. ¶ 8; Pls' SOF ¶ 45-48.

Defendants' SOF No. 3. Plaintiffs allege that individual Plaintiff Shirley Faye Fields submitted an absentee ballot in November 2020 that was not counted because she omitted her signature. Doc. 42 (2d. Am. Compl.) ¶ 14.

Response to No. 3: Undisputed that Plaintiff Fields' absentee ballot in the November 2020 General Election was disqualified because she wrote her signature in the optional verification form on the Voter Statement, but not the "Required Absentee Voter Statement" line. Pls' SOF ¶ 32; LWVAR0000029–31.

Defendants' SOF No. 4. Plaintiffs allege that individual Plaintiff Mary J. McNamer submitted an absentee ballot in November 2020 that was not counted because she wrote down the wrong zip code. Doc. 42 (2d Am. Compl.) ¶ 15.

Response to No. 4: Disputed. Plaintiff McNamer wrote her correct zip code on her absentee ballot. Ms. McNamer's absentee ballot in the November 2020 General Election was disqualified because she wrote her zip code incorrectly on her approved absentee ballot *application*. Pls' SOF ¶¶ 35–37.

Defendants' SOF No. 5. Plaintiffs allege that individual Plaintiff Marnette Wendi Pennington submitted an absentee ballot in November 2020 that was not counted because she omitted her street address. Doc. 42 (2d Am. Compl.) ¶ 16.

Response to No. 5: Undisputed that Plaintiff Pennington's absentee ballot was disqualified because she omitted her street address on her voter statement. Pls' Material SOF ¶¶ 39–41.

Defendants' SOF No. 6. The organizational Plaintiff in this case is League of Women Voters of Arkansas (LWVAR), which is a 501(c)(4) corporate entity. Ex. 5 (Mock Dep.) at 96.

Response to No. 6: Undisputed.

Defendants' SOF No. 7. LWVAR is different from the local League of Women Voters organizations in Arkansas, which are not the Plaintiff in this case. Ex. 5 (Mock Dep.) at 17, 87, 100.

Response to No. 7: Disputed that LWVAR is "different" from the local League of Women Voters organizations in Arkansas. Members of the local leagues of Pulaski, Washington, and Faulkner Counties are also members of the LWVAR. Mock Decl. ¶ 6. The volunteer members who serve on LWVAR's leadership team, consisting of between six and up

to eight members at any given time, are also members of the local leagues. Mock Decl. ¶¶ 5, 8. LWVAR shares information with, advises, and closely oversees the work of the local leagues. Mock Decl. ¶ 6, 30–34. Currently eight members of LWVAR’s leadership team are also members of their respective county local leagues. Mock Decl. ¶ 8. The members of LWVAR’s leadership team attend meetings convened by the local leagues.

Defendants’ SOF No. 8. LWVAR was not involved in statewide outreach concerning how to fill out absentee ballots. Ex. 5 (Mock Dep.) at 19.

Response to No. 8: Disputed that LWVAR was not involved in statewide outreach concerning how to fill out absentee ballots. Defendants cite an excerpt of the deposition of Nell Matthews Mock, the former President of LWVAR, concerning the use of documents at a statewide level. *See* Defs.’ Ex. 5 (Mock Dep.) at 19:7-19:10 (“Q. And as far as – as far as filling out absentee ballots, did the – the League of Women Voters of Arkansas use any documents to – to educate others on how to fill out absentee ballots?”).¹ LWVAR advised and provided grant funding to local League of Women Voters chapters in their efforts to educate absentee voters on how to fill out their ballots to ensure that voters understood “the importance of filling out the absentee ballot voter statement exactly right to match the application.” Defs.’ Ex. 5 (Mock Dep.) at 17:18-18:18; Mock Decl. ¶¶ 38, 40. LWVAR representatives also engage on an individual basis with members of the public to educate them on how to fill out absentee ballots. *See* Mock Decl. ¶ 48–49.

Defendants’ SOF No. 9. LWVAR has not conducted trainings on election law or voting rights. Ex. 5 (Mock Dep.) at 30, 39.

Response to No. 9: Disputed that LWVAR has not conducted trainings on election law or voting rights. Defendants cite excerpts from Ms. Mock’s deposition concerning “Zoom trainings” and “face-to-face trainings.” *See* Defs.’ Ex. 5 (Mock Dep.) at 30, 39. Those two

¹ Plaintiffs also do not waive any objections asserted during Ms. Mock’s deposition.

forms of trainings have been conducted by local leagues. LWVAR encourages local leagues to conduct trainings, reviews the activities of local leagues to ensure they are sharing accurate information, and may send a LWVAR representative to attend trainings by local leagues. Mock Decl. ¶¶ 35–37, 40–41. LWVAR representatives also engage on an individual basis with members of the public to educate them regarding voting rights. Defs.’ Ex. 5 (Mock Dep.) at 83:23–84:22; Mock Decl. ¶ 48–49.

Defendants’ SOF No. 10. LWVAR has not produced any documents concerning Arkansas’s absentee-ballot verification requirement. Ex. 5 (Mock Dep.) at 25.

Response to No. 10: Undisputed.

Defendants’ SOF No. 11. LWVAR is unable to identify any expense that it had to make as a result of Arkansas’s absentee-ballot verification requirement. Ex. 5 (Mock Dep.) at 67–74.

Response to No. 11: Disputed that LWVAR is unable to identify any expense that it had to make as a result of Arkansas’s absentee-ballot verification requirement. Ms. Mock testified that there may have been grant funding used to address Arkansas’s absentee-ballot verification requirement. Defs.’ Ex. 5 (Mock Dep.) at 67:18–68:10. LWVAR is a volunteer organization and its primary resource is its members’ volunteer time. The expenditure of that volunteer time may not be reflected in a financial record or expense. Mock Decl. ¶ 10–11.

Defendants’ SOF No. 12. LWVAR is unable to provide a measure of how much effort it put into social media concerning absentee balloting. Ex. 5 (Mock Dep.) at 93–94.

Response to No. 12: Disputed that LWVAR is unable to provide a measure of how much effort it put into social media concerning absentee balloting. Ms. Mock testified that she and another leadership team member serve as the administrators of the social media platform and typically write the posts, thereby indicating the members of the leadership team who put in time to post on social media. Defs.’ Ex. 5 (Mock Dep.) at 95:11–95:17. The leadership team also shared absentee ballot-related resources produced by the local leagues and the county clerks on

our Facebook page, as a way to use social media to spread the word on how to vote absentee. Defs.' Ex. 5 (Mock Dep.) at 30:9-20, 67:1-16, 92:5-94:4. LWVAR is a volunteer organization and its primary resource is its members' volunteer time. The expenditure of that volunteer time may not be reflected in a record that quantifies the specific amount of time spent on this effort. Mock Decl. ¶¶ 10-16.

Defendants' SOF No. 13. LWVAR has consistently posted information about election-related deadlines on social media since 2014. Ex. 5 (Mock Dep.) at 32-33.

Response to No. 13: Disputed to the extent that Defendants assume that LWVAR did not use social media before 2014. Defs.' Ex. 5 (Mock Dep.) at 32:14-33:1.

Defendants' SOF No. 14. LWVAR primarily engages in social media posts to make people aware of Documents that were available through other entities. Ex. 5 (Mock Dep.) at 21, 92-93.

Response to No. 14: Disputed that LWVAR primarily engages in social media posts to make people aware of documents that were available through other entities. LWVAR posts about election-related dates, deadlines, news, and events which include LWVAR's "own documents." Defs.' Ex. 5 (Mock Dep.) at 32:13-32:24, 92:24-93:1.

Defendants' SOF No. 15. No LWVAR member has had an absentee ballot rejected. Ex. 5 (Mock Dep.) at 81.

Response to No. 15: Undisputed that LWVAR is unaware of any LWVAR member who has had an absentee ballot disqualified.

Defendants' SOF No. 16. None of the individual Plaintiffs are members of LWVAR. Ex. 5 (Mock Dep.) at 83.

Response to No. 16: Undisputed.

Defendants' SOF No. 17. No Plaintiff remaining in this case has had an absentee ballot rejected for a noncomparing signature. Doc. 42 (2d Am. Compl.) ¶¶ 11, 14, 15, 16.

Response to No. 17: Undisputed.

Defendants' SOF No. 18. No Plaintiff remaining in this case has had an absentee ballot rejected for a missing or noncomparing name. Doc. 42 (2d Am. Compl.) ¶¶ 11, 14, 15, 16.

Response to No. 18: Undisputed.

Defendants' SOF No. 19. No Plaintiff remaining in this case has had an absentee ballot rejected for a missing or noncomparing birth date. Doc. 42 (2d Am. Compl.) ¶¶ 11, 14, 15, 16.

Response to No. 19: Undisputed.

Defendants' SOF No. 20. Election officials are required to attend training and be tested by the State Board within twelve months before an election. Ex. 1 (Shults Decl.) ¶¶ 7-23, decl. ex. A, decl. ex. B at bates 83321-23; Ark. Code Ann. 7-4-107(b)(2)(C)(i), 7-4-109(e)(1).

Response to No. 20: Disputed that election officials are required to attend training and be tested by the State Board within twelve months before an election. Only county election commissioners and county election coordinators are directed to be tested by the state according to the County Board of Election Commissioners Procedures Manual (2022 Edition). Ex. 17 at DEFS_066689. However, this direction is not consistently carried out in practice. *See* Ex. 5 (Oelschlaeger Dep.) at 65:6-65:15 (explaining that Commissioner Oelschlaeger does not think that a test is required to work as a poll worker, but she does not know); *see also* Ex. 4 (Harris Dep.) at 35:3–20 (explaining that there is no test that an absentee ballot clerk must take); *but see* Ex. 2 (Anzalone Dep.) at 29:21-30:3 (stating that Commissioner Anzalone testified that poll workers were required to take the “State Board of Election Commission test in 2020.”).

Defendants' SOF No. 21. By law, election officials are required to conduct the election consistent with the State Board’s training. Ex. 3 (Shults Dep.) at 27, 57-58; Ark. Code Ann. 7-4-107(a)(2).

Response to No. 21: Undisputed that Arkansas law requires election officials to conduct elections consistent with the State Board’s training. Disputed to the extent that Defendants contend the State Board training results in election officials implementing consistent approaches to elections. While the State Board’s training does provide county election

commissioners with features that election officials should consider in their assessments of signatures, names, addresses, and birth dates submitted with absentee ballots, consideration of these features is not an objective exercise. When discussing the features in training, trainees would “point out different points” and debates about the features may have occurred. Ex. 7 (Shults Dep.) at 82:6-82:21. Further, disputed that any uniform assessment of signatures results from this training. Defendants’ training includes an example of a signature that is “on the fence.” Ex. 7 (Shults Dep.) at 83:4-83:11. Election officials who have attended the SBEC’s training arrived at different determinations about the same comparisons regardless of the features provided in the State Board’s training. Compare Ex. 6 (Scott Dep.) at 31:13-32:14, with Ex. 5 (Oelschlaeger Dep.) at 101:4-101:22; Ex. 16 at DEFS_066951. Mr. Shults similarly testified that some differences in names fall into a “gray area.” Ex. 7 (Shults Dep.) at 137:12-137:23. Mr. Shults testified that the training regarding discrepancies in addresses included a “non[-]exhaustive” list. Ex. 7 (Shults Dep.) at 64:6-65:2. Election officials who have attended the SBEC’s training arrived at different determinations about addresses that differ by a single digit in the zip code. Compare Ex. 6 (Scott Dep.) at 17:7-17:12, with Ex. 4 (Harris Dep.) at 74:10-75:17.

Defendants’ SOF No. 22. The State Board trains county election commissioners on processing absentee ballots. Ex. 1 (Shults Decl.) decl. ex. A at bates 83193-238, decl. ex. B at bates 83378-91.

Response to No. 22: Undisputed.

Defendants’ SOF No. 23. The State Board’s training provides county election commissioners with guidance on objective considerations in conducting a uniform assessment of signatures, names, addresses, and birth dates submitted with absentee ballots. Ex. 1 (Shults Decl.) ¶¶ 7-23, decl. ex. A at bates 83208-38.

Response to No. 23: Disputed that the State Board’s training provides county election commissioners with guidance on objective considerations in conducting assessments of

signatures, names, addresses, and birth dates submitted with absentee ballots. While the State Board's training does provide county election commissioners with features that election officials should consider in their assessments of signatures, names, addresses, and birth dates submitted with absentee ballots, consideration of these features is not an objective exercise. When discussing the features in training, trainees would "point out different points" and debates about the features may have occurred. Ex. 7 (Shults Dep.) at 82:6-82:21. Further, disputed that any uniform assessment of signatures results from this training. Defendants' training includes an example of a signature that is "on the fence." Ex. 7 (Shults Dep.) at 83:4-83:11. Election officials who have attended the SBEC's training arrived at different determinations about the same comparisons regardless of the features provided in the State Board's training. *Compare* Ex. 6 (Scott Dep.) at 31:13-32:14, *with* Ex. 5 (Oelschlaeger Dep.) at 101:4-101:22; Ex. 16 at DEFS_066951. Mr. Shults similarly testified that some differences in names fall into a "gray area." Ex. 7 (Shults Dep.) at 137:12-137:23. Mr. Shults testified that the training regarding discrepancies in addresses included a "non[-]exhaustive" list. Ex. 7 (Shults Dep.) at 64:6-65:2. Election officials who have attended the SBEC's training arrived at different determinations about addresses that differ by a single digit in the zip code. *Compare* Ex. 6 (Scott Dep.) at 17:7-17:12, *with* Ex. 4 (Harris Dep.) at 74:10-75:17. This is so because in order to reliably make a judgement on whether a signature compares, the following is needed at a minimum: (1) extensive training with different types of signatures; (2) adequate magnification and lighting equipment; (3) excellent eyesight; (4) adequate contemporaneous specimen signatures; and (5) adequate time. See Ex. 8 (Mohammed Rpt.) at ¶ 47.

Defendants' SOF No. 24. For signature comparisons, these objective features include spacing; type or style of writing; speed of writing; size and proportions of words and letters; spelling; slant of writing; curves, loops, and cross-points; presence or absence of pen lifts; and

beginning and ending strokes; and different writing utensils. Ex. 1 (Shults Decl.) at ¶¶ 14-23, decl. A at bates 83212-222, decl. ex. B at bates 83381.

Response to No. 24: Disputed that the State Board’s training provides county election commissioners with features that are “objective.” Signature comparisons conducted by laypersons such as election officials cannot be objective since election officials are not professionally trained in signature examination, nor are they “provided with equipment for effective document examination and signature comparison, such as proper light sources and microscopes.” Ex. 8 (Mohammed Rpt.) at ¶¶ 29, 31. Defendants’ training includes an example of a signature that is “on the fence.” Ex. 7 (Shults Dep.) at 83:4-83:11. Election officials who attended this training arrived at different determinations about the same comparisons regardless of the features provided in the State Board’s training. *Compare* Ex. 6 (Scott Dep.) at 31:13-32:14, *with* Ex. 5 (Oelschlaeger Dep.) at 101:4-101:22; Ex. 16 at DEFS_066951.

Defendants' SOF No. 25. There is a strong presumption that a ballot will be counted, and an objective, articulable basis for overcoming that presumption is necessary. Election officials are to document in writing the reasons why a signature is found to not compare. Ex. 3 (Shults Dep.) at 51, 63, 69-70, 72, 76-77, 84, 85-86, 90, 91-92, 160; Ex.1 (Shults Decl.) ¶ 15, decl. ex A at bates 83212, 83226.

Response to No. 25: Disputed that Defendants have provided evidence of a “strong presumption that a ballot will be counted” and that “an objective, articulable basis for overcoming that presumption is necessary.” Neither of these supposed standards is stated in the statute, in Defendants’ training materials, or Mr. Shults’ testimony. *See* (Shults Decl.) ¶ 15, decl. ex A at bates 83212, 83226. Instead the statute is silent as to the meaning of the word “compare.” Ex. 7 (Shults Dep.) at 35:7-35:9. In Defendants’ County Board of Election Commissioners Procedures Manual it directs that “best practices” for analyzing a signature are that the “signature should be found comparable unless the signature on the voter’s statement is sufficiently dissimilar to the signature on the absentee ballot application to that the reviewing

officials are left with an abiding conviction that the signatures being compared are written by two different people.” Ex. 17 at DEFS_066749. Similarly, Defendants’ Commissioners’ Training Manual states that a voter’s name should be found comparable “if it is sufficiently similar so that any discrepancies are not so dissimilar that election officials are unable to determine that the two documents reflect different forms of a name belonging to the same individual.” Ex. 16 at DEFS_066936. In practice, in Washington County, commissioners may only “glance” for “two seconds” at a signature in order to compare it, and merely apply a “Sesame Street” approach of “[w]hich one of these is not like the other?” Ex. 5 (Oelschlaeger Dep.) at 97:6-97:10; 98:8-98:21. And, in Jefferson County, a commissioner may spend “a couple of seconds” to “a couple of minutes” comparing signatures. Ex. 1 (Adam Dep.) at 125:24-126:18. Further disputed that election officials are required to document in writing the reasons why a signature is found not to compare. Shults testified that in the event a signature is found not to compare, it is not a requirement that election officials document why the signatures did not compare. Ex. 7 (Shults Dep.) at 77:5-77:15.

Defendants’ SOF No. 26. Signatures are not required to “match” in a sense that implies a facsimile. Ex. 3 (Shults Dep.) at 33-34, 111-13.

Response to No. 26: Undisputed to the extent that “facsimile” is intended to convey that signatures must be carbon copies of each other. Otherwise disputed because Mr. Shults did not clearly delineate between the meanings of “match” and “compare,” testified that the SBEC may use the word “match” instead of “compare,” and testified that the use of the term “match” may suggest a higher standard to election officials tasked with comparing signatures. Ex. 7 (Shults Dep.) at 111:4-112:10.

Defendants’ SOF No. 27. In accordance with the State Board’s training, a signature on a voter statement should be found not comparable to a signature on an absentee-ballot application only if the quantity and severity of the distinctions, taken together, provide overwhelming evidence to support an abiding conviction that the signatures were not created by

the same person. Ex. 1 (Shults Decl.) ¶ 15, decl. ex. A at bates 83212, 83226, decl. ex. B at 83381.

Response to No. 27: Undisputed that the State’s Board’s training contains this statement.

Defendants' SOF No. 28. Casting a ballot in Arkansas is not difficult, and the steps required are similar to those required in the rest of the United States. Ex. 2 (Brunell Rpt.) ¶ 22.

Response to No. 28: Disputed that casting a ballot in Arkansas is not difficult and that casting a ballot in the rest of the United states is not difficult. LWVAR has documented several difficulties affecting voters in Arkansas. Defs.’ Ex. 5 (Mock Dep.) at 90:11-90:23 (Voting disenfranchisement due to “minor mistakes” such as correct date and address). Disputed that Dr. Brunell’s report contains sufficient detail to support the conclusion that the steps to cast a ballot in Arkansas are similar to those required in all other states and territories. Further disputed because a significant number of states provide an opportunity to cure errors on absentee ballots.²

Defendants' SOF No. 29. The introduction of absentee and early voting in Arkansas over the past 30 years has made it easier to cast a ballot. Ex. 2 (Brunell Rpt.) ¶¶ 23-25.

Response to No. 29: Disputed that absentee and early voting in Arkansas has made it easier to cast a ballot. The Arkansas General Assembly has continuously enacted stricter requirements for handling absentee ballots. Defs.’ Ex. 4 (Brunell Dep.) at 37. Disputed because Defendants do not identify the comparison point for the assertion that “it” is “easier” to cast a ballot and do not identify in what ways “it” is purportedly “easier.”

Defendants' SOF No. 30. Absentee voting begins no later than 46 days before Election Day. Ex. 1 (Shults Decl.) decl. ex. B at bates 83337.

Response to No. 30: Undisputed.

² National Conference of State Legislatures, *Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options*, Table 15: States with Signature Cure Processes, available at <https://www.ncsl.org/elections-and-campaigns/table-15-states-with-signature-cure-processes> (last updated Jan. 18, 2022).

Defendants' SOF No. 31. Voters who receive absentee ballots are provided with a voter statement, several sections of which contains a separate notice that it must be completed for the ballot to be counted. Ex. 1 (Shults Decl.) ¶¶ 30-34, decl. ex. A at bates 83205.

Response to No. 31: Undisputed that voters who receive absentee ballots are provided with a voter statement that indicates that the relevant date of birth, address, and signature sections must be completed. Nowhere on the absentee voter statement does it say that a voter must complete all sections before his or her ballot is counted.

Defendants' SOF No. 32. Unlike many other States, Arkansas does not require that a voter statement is notarized or witnessed by any person. Ex. 2 (Brunell Rpt.) ¶ 23; see Ex. 1 (Shults Decl) decl. ex. A at bates 83226.

Response to No. 32: Undisputed that Arkansas does not require that a voter statement be notarized or witnessed by any person. Disputed that a notary or witness requirement exists in “many other States.” Only four states have a notary requirement and only ten states require a witness.³

Defendants' SOF No. 33. The initial canvassing of absentee ballots is conducted by absentee ballot clerks appointed by county election commissioners. Absentee ballot clerks work in teams of two and, if both absentee ballot clerks agree that the ballot is eligible to be counted, no further process is required. Ex. 1 (Shults Decl.) decl. ex. B at bates 83379.

Response to No. 33: Undisputed. To the extent that Defendants suggest that all counties follow this procedure of having absentee ballot clerks review absentee ballots, they have provided no evidence of that.

Defendants' SOF No. 34. An absentee ballot clerk may not reject an absentee ballot due to a noncomparable signature, name, birth date, or address, but must set any questioned ballots aside for another round of review by the county board of election commissioners. Ex. 1 (Shults Decl.) decl ex. A at bates 83192, decl. ex. B at bates 83382, 83387-88

Response to No. 34: Undisputed.

³ David Thun, *A guide to state vote-by-mail ballot notarization requirements*, NATIONAL NOTARY ASSOCIATION, (Dec. 11, 2022), <https://www.nationalnotary.org/notary-bulletin/blog/2020/09/guide-state-vote-by-mail-notarization>; *What You Need to Know About Absentee Ballot Notary and Witness Signature Requirements*, U.S. VOTE FOUNDATION, 2023, <https://www.usvotefoundation.org/absentee-ballot-notary-witness-requirements>.

Defendants' SOF No. 35. Election officials provide prompt written notice to any voter whose absentee ballot is not counted. Ex. 1 (Shults Decl.) ¶ 47.

Response to No. 35: Undisputed that Ark. Code. Ann. § 7-5-902(a) states that county election officials should provide prompt notice but disputed to the extent that Defendants claim this statute is uniformly followed across counties as they have put forward no evidence supporting this claim.

Defendants' SOF No. 36. Election officials must securely maintain absentee ballots and voter statements, which are subject to a strict chain of custody, and they can be processed only in the presence of at least two election officials. Ex. 1 (Shults Decl.) ¶ 53, decl. ex. A at bates 83188-89, decl. ex. B at bates 83434-36.

Response to No. 36: Undisputed.

Defendants' SOF No. 37. The two weeks before Election Day and the following week are extremely busy for county clerks, county boards, and other election officers. Ex. 1 (Shults Decl.) ¶¶ 57a-q, 58; see also, e.g., id. decl. ex. B at bates 83354-60, 83402-04, 83411.

Response to No. 37: Undisputed that county clerks, county boards, and other election officers have election-related duties that they must perform in the two weeks before Election Day and the week after Election Day. Disputed that Defendants have proven that any such official is “extremely busy.” Defendants have not identified the amount of time required for the election-related duties during these three weeks for any such official. For example, Pope County Commissioner Chair Harris explained that Pope County only has to begin the processing of absentee ballots “a few days” before the election “if it’s a heavy election,” but if there are only “eight or ten” absentee ballots, then the processing can begin on election day. Ex. 4 (Harris Dep.) at 93:6-93:11. Because Pope County is not a busy county they can judge whether they “need two days before the election” or “one day.” Ex. 4 (Harris Dep.) at 93:12-93:19. Although every county received permission to begin the processing of absentee ballots two weeks before the election, Pope County only started “four or five days” which was the “[l]ongest ever” according to Chair Harris. Ex. 4 (Harris Dep.) at 93:20-93:25.

Defendants' SOF No. 38. Whether voting in person or by absentee, voters must provide their signature, name, address, and birth date. Ex. 1 (Shults Decl.) ¶ 55, decl. ex. A at bates 83170; Ex. 2 (Brunell Rpt.) ¶ 26.

Response to No. 38: Undisputed.

Defendants' SOF No. 39. Arkansas has a noted history of absentee-ballot fraud. Ex. 2 (Brunell Rpt.) ¶¶ 36-37d.

Response to No. 39: Disputed that Defendants have established facts showing a “noted history” of absentee-ballot fraud. Brunell indicated only four instances of absentee ballot fraud. *See generally* Defs.’ Ex. 2 (Brunell Rpt.) at 37. Further, of the four instances that Brunell cites in Paragraph 37, only one actually could have conceivably been caught by verification procedures, and in the same way, could have conceivably been caught by notice and cure. Defs.’ Ex. 2 (Brunell Rpt.) at 37. Mr. Shults testified that the comparison of voter statements and absentee ballot applications has not led to the identification of a confirmed case of voter fraud. Ex. 7 (Shults Dep.) at 179:22-184:2. Commissioners who were asked about absentee ballot fraud could not recall any instances. Ex. 4 (Harris Dep.) at 126:3-126:5; Ex. 5 (Oelschlaeger Dep.) at 159:11-160:14; Ex. 2 (Anzalone Dep.) at 75:23-76:9.

Defendants' SOF No. 40. Requiring a signature, name, address, and birth date from a voter applying for an absentee ballot and again when that voter submits the ballot serves to verify that the person submitting the ballot is who they claim to be—the same person who applied for the ballot. Ex. 2 (Brunell Rpt.) ¶¶ 26, 33, 35.

Response to No. 40: Disputed that requiring a signature, name, address, and birth date from a voter applying for an absentee ballot and again when that voter submits the ballot verifies that the voter is the person who they claim to be. The comparison process will not identify anyone who impersonates another individual and is able to replicate that individual’s name, address, date of birth, and signature. Where a question arises of whether the person who submitted the ballot is who they said they were, a cure proceeding would also serve to verify that

the person submitting the ballot is who they claim to be. Defs.' Ex. 4 (Brunell Dep.) at 68:12-68:25.

Defendants' SOF No. 41. In addition to being less able to produce a comparable signature, a person casting a fraudulent ballot will be less likely to know another person's name, address, and birth date. Ex. 2 (Brunell Rpt.) ¶ 33.

Response to No. 41: Disputed that Defendants have introduced any evidence to support Dr. Brunell's statement. Disputed that a person engaged in fraud is "less able" to forge a signature. Disputed that a person casting a fraudulent ballot will be less likely to know another person's name, address and date of birth because that information is often easily identifiable online. Defendants do not explain how a person impersonating another person would not know the actual voter's name or how that person would have gotten the ballot that was sent to the voter without knowing the voter's name. Defendants do not explain how a person impersonating another person in casting an absentee ballot would not know the other person's address if, for example, the ballot was mailed to the same address as the voter's residential address. Nor do they show that a mismatch in name, address, date of birth, or signature is more likely to come from fraud than an innocent mistake.

Defendants' SOF No. 42. The presence of an address that doesn't compare raises the question of whether the person who submitted the ballot knows whether they are registered to vote. Ex. 3 (Shults Dep.) at 151.

Response to No. 42: Undisputed that a non-comparable address *could* suggest voter registration questions. Disputed that it is possible to know if an incorrect address indicates potential fraud. Ex. 7 (Shults Dep.) at 150:18-150:25. According to Shults's testimony, "there could be many explanations" for incorrect information, and the error only suggests a "failure to correctly articulate the registered address of the voter." Ex. 7 (Shults Dep.) at 150:24-151:3.

Defendants' SOF No. 43. Using the current date instead of a birth date could be a way to conceal fraud. Ex. 3 (Shults Dep.) at 154.

Response to No. 43: Plaintiffs' Response: Disputed. Testimony from county election officials suggests that using the current date is a common mistake and that those closest to the process do not assume fraud in those circumstances. Ex. 2 (Anzalone Dep.) at 52:4-18; Ex. 4 (Harris Dep.) at 75:18-76:16. Further disputed that using the current date instead of a birth date could be a way to conceal fraud if a voter submits an identification document listing a date of birth as part of the absentee ballot paperwork.

Defendants' SOF No. 44. Public confidence in the integrity of the electoral process, and especially in absentee voting, cannot exist without antifraud measures to safeguard the integrity of the ballot box. Ex. 2 (Brunell Rpt.) ¶¶ 2a, 16.

Response to No. 44: Plaintiffs' Response: Disputed to the extent this suggests that public confidence concerns are unique in the context of absentee voting or to the extent it suggests that any particular “antifraud measures” are incompatible with a notice and cure period.

Defendants' SOF No. 45. Without antifraud measures, fewer people may go to the effort of voting. Ex. 2 (Brunell Rpt.) ¶ 16; Ex. 4 (Brunell Dep.) at 27.

Response to No. 45: Disputed. Dr. Brunell's speculation regarding the effects of “antifraud measures” is supported by neither concrete data nor evidence. Further disputed that notice and cure would adversely affect any “antifraud measures.” Dr. Brunell admitted “antifraud measures” are trying to “weed out . . . ballots that are cast inappropriately,” “whereas, notice and cure . . . open[s] an avenue to include ballots that may have been excluded due to voter error.” Defs.' Ex. 4 (Brunell Dep. at 65:1-65:7). Dr. Brunell further testified that he was “not sure what the effect” of a notice and cure procedure “would be on the perception of public integrity” of elections. Defs.' Ex. 4 (Brunell Dep. at 65:12-65:16).

Defendants' SOF No. 46. Arkansas's rejection rate for non-comparing signatures over the previous two election cycles has been a fraction of one percent—0.165 % in 2018 and 0.137 % in 2020. Ex. 2 (Brunell Rpt.) ¶¶ 2f, 29, 30.

Response to No. 46: Undisputed.

Defendants' SOF No. 47. Over the previous two election cycles, Arkansas has rejected fewer absentee ballots on average than other U.S. states due to non-comparing signatures. Ex. 2 (Brunell Rpt.) ¶ 2f, 29-32.

Response to No. 47: Disputed. First, the basis of this assertion is data gathered from survey data collected by the Election Assistance Commission (“EAC”), which relies on each State’s collection own data collection methods. Moreover, percentages are not the same as the total number of absentee ballots. Finally, Defendants have not provided what the average number of absentee ballots rejected for signature match are in the other states, *see generally* Ex 2 (Brunell Rpt.), but have only provided the average percent of non-comparing signature rejections in each state. Ex. 2 (Brunell Rpt. ¶¶ 29–30). Therefore, disputed that these data sets represent the full picture of Arkansas’ absentee or mail-in ballots rejected because of signature mismatch. The 2018 EAVS data that Dr. Brunell cites includes reporting from only 33 states. The 2020 EAVS data cited includes reporting from 37 states. Defs.’ Ex. 2 (Brunell Rpt.) at 10-11.

Defendants' SOF No. 48. Arkansas has relatively low rejection rates for signature comparison even without a signature-cure process. Ex. 4 (Brunell Dep.) at 19-20.

Response to No. 48: Disputed. Dr. Brunell did not cite anything to support his opinion that Arkansas has relatively low rejection rates without a signature-cure process. Defs.’ Ex. 4 (Brunell Dep.) at 19-20.

Defendants' SOF No. 49. Not every voting reform leads to more votes being counted. Ex. 2 (Brunell Rpt.) ¶¶ 2c, 18; Ex. 4 (Brunell Dep.) at 63.

Response to No. 49: Disputed to the extent this is meant to suggest that there is any evidence that adding a notice and cure period would lead to fewer votes being counted.

Defendants' SOF No. 50. Instituting a cure process for signature comparison in Arkansas could increase the number of rejected ballots due to the well-recognized fact that people behave more carelessly when they have an “insurance policy” against the consequences of their carelessness. Ex. 4 (Brunell Dep.) at 55-60.

Response to No. 50: Disputed to the extent that it characterizes individual Plaintiffs in this case or those with whom the LWVAR worked as careless. Disputed because Defendants do not have any evidence supporting that a signature comparison process could increase absentee ballot rejection because Plaintiffs and other voters in the state would treat a cure process as an “insurance policy.” Defendants’ own expert admitted “anti-fraud” efforts are “trying to weed out . . . ballots that are cast inappropriately, fraudulently, [so they] aren’t counted in the final tally, right; whereas, notice and cure is you’re opening an avenue to include ballots that may have been excluded due to voter error.” *See* Defs.’ Ex. 4 (Brunell Dep.) at 65:1-65:7.

Defendants’ SOF No. 51. Thirty-seven States conduct signature verification on absentee or mail-in ballots. Ex. 2 (Brunell Rpt.) ¶ 27 & n.1.

Response to No. 51: Disputed. Dr. Brunell’s testimony reports that “as many as thirty-seven” states conduct signature verification on absentee or mail-in ballots – not thirty-seven states definitively. Indeed, according to a footnote in Brunell’s report, there are at least 28 states that conduct signature verification on absentee or mail-in ballots, and Brunell’s report as a whole only *suggests* that as many as thirty-seven states may do so. Defs.’ Ex. 2 (Brunell Rpt.) ¶ 27 & n.1. Further disputed to the extent that Defendants imply that these signature verification processes are similar to Arkansas’ process; at least some of these states provide notice and opportunity to cure.⁴

Defendants’ SOF No. 52. The U.S. Election Assistance Commission’s “Federal Form,” which, by law, contains only information necessary to a voter’s eligibility, requires a voter’s signature, name, address, and birth date. Ex. 2 (Brunell Rpt.) ¶ 34.

Response to No. 52: Disputed. To the extent that Defendants suggest the EAC’s “Federal Form” is an absentee ballot application form, that is incorrect. The “Federal Form” is

⁴ *See, e.g.*, Fla. Stat. Ann. § 101.68.

the National Mail Voter Registration Form and includes the information required for a voter to register to vote, not for a voter to vote absentee in any particular state.⁵

Defendants' SOF No. 53. A person's signature, name, address, and birth date are relevant to determining voter eligibility. Ex. 4 (Brunell Dep.) at 21-22.

Response to No. 53: Disputed to the extent that Defendants suggest that all of these pieces of information are relevant and required to determine a voter's eligibility to vote.

Undisputed that the provision of a person's signature, name, address, and date of birth on one occasion *may be relevant*, depending on the context, to determining voter eligibility.

Dated : January 24, 2023

Respectfully submitted,

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⁵ U.S. Election Assistance Commission, *National Mail Voter Registration Form*, available at https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf.

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CERTIFICATE OF SERVICE

I certify that on January 24, 2023, I filed a copy of the above Plaintiffs' Response to Defendants' Statement of Material Facts with the Court's electronic filing system, which will send notice to:

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