
IN THE SUPREME COURT OF ARKANSAS

FRANK BARTON, ANITA BELL, and JAMES APPELLANTS

**PULLIAUM in their official capacity as the
CRITTENDEN COUNTY BOARD OF ELECTION
COMMISSIONERS**

V. NO. CV-2024-674

**SHIRLEY P. BROWN and LAVONDA L. TAYLOR APPELLEES &
CROSS APPELLANTS**

**ON APPEAL FROM THE CIRCUIT COURT OF CRITTENDEN COUNTY,
ARKANSAS
THE HONORABLE CHRIS THYER CIRCUIT JUDGE**

APPELLEES' AND CROSS APPELLANTS' BRIEF

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POINTS ON APPEAL

I. THE CIRCUIT COURT CORRECTLY HELD THAT THE CRITTENDEN COUNTY CLERK LAWFULLY DESIGNATED HER EARLY VOTING LOCATION AT THE SEVENTH STREET CHURCH OF CHRIST IN WEST MEMPHIS.

A. Appellants incorrectly argue that Ark. Code Ann. § 7-5-401 limits the County Clerk's authority.

B. Appellants incorrectly argue that Ark. Code Ann. § 7-5-418(b) limits the County Clerk's authority.

C. The legislature intended to delegate the authority to the County Clerk to designate an early voting location, and Appellant's interpretation is designed to undermine that intent.

D. The county board of election commissioners is not excused from performing its mandatory statutory duties concerning early voting when the County Clerk designates an early voting location.

II. THE CIRCUIT COURT ERRED IN FINDING THAT EARLY VOTING WILL NOT BE HELD AT THE FIRST BAPTIST CHURCH OF WEST MEMPHIS IN THE 2024 GENERAL ELECTION.

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JURISDICTIONAL STATEMENT

Appellants brought this appeal from portions of Crittenden County Circuit Court's September 30, 2024 order and grant of mandamus finding that:

(1) The Crittenden County Clerk lawfully designated the Seventh Street Church of Christ West Memphis as an early voting location for the 2024 General Election **(RP 69-78)**; and

(2) Ordering the Crittenden County Board of Election Commissioners to "conduct early voting at the Seventh Street Church of Christ in West Memphis for the 2024 General Election in the same or substantially the same manner as early was conducted at First Baptist Church (West Memphis) for the 2022 General Election" and "to comply with all applicable Arkansas law concerning voting by the citizens of Crittenden County applicable to early voting". **(RP 77-78)**.

Appellants filed their Notice of Appeal to the Arkansas Supreme Court from portions of the September 30, 2024 order in the Crittenden County Circuit Court on October 4, 2024. **(RP 92-94)**. The Circuit Court Record **(RP 1- 96)** and court reporter's transcript **(RT 1-228)** were docketed with this court on October 8, 2024.

On October 9, 2014, Appellees and Cross Appellants filed their Notice of Appeal to the Arkansas Supreme Court from the portions of the September 30, 2024 order not appealed by Appellants in the Crittenden County Circuit Court. **(SP**

3-5). The Supplemental Circuit Court Record was docketed with this court on October 9, 2024. **(SP 1-7).** Therefore, the cross appeal is timely.

The issues raised in this appeal and cross appeal are whether the Circuit erred in finding and ordering that:

a. The Seventh Street Church of Christ was lawfully designated as an early voting location by the Crittenden County Clerk;

b. The First Baptist Church of West Memphis, the early voting location designated by the Crittenden County Board of Election Commissioners for the 2022 General Election, was not a required early voting location for the 2024 General Election; and

c. The West Memphis Library was not designated by the Crittenden County Election Commission as an early voting location in the 2024 General Election; and

d. The Crittenden County Board of Election Commissioners shall comply with all Arkansas law concerning early voting which require the Board to provide the necessary ballots, voting machines, and other materials necessary for her to conduct early voting at her designated location.

The issues presented by this appeal and cross appeal are ripe for review by this Court as the trial court's order is final, and it was given pursuant to a Writ of Mandamus. **(RP 53-78).** Further, this appeal and cross appeal involve the

interpretation or construction of state statutes, and this appeal pertains to elections and election procedures.

For these reasons and pursuant to Arkansas Supreme Court Rule 1-2, the Arkansas Supreme Court should hear and decide this case.

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VI.

STATEMENT OF THE CASE AND THE FACTS

The Crittenden County Board of Election Commissioners (hereinafter “the Board”) established the West Memphis Church of Christ as the early voting location in West Memphis for the 2022 General Election, and the County Clerk conducted early voting cooperatively with the Board at that location. **(RT 35, 68, 70-74, 190, 222)**. In preparation for the 2024 General Election, the Board held two meetings at which they discussed early voting on August 23, 2024 and September 3, 2024. **(RT 36-69, 217-220)**.

At the August 23, 2024 meeting, the Board discussed two possible locations for for early voting in West Memphis: the West Memphis Library and the Seventh Street Church of Christ. **(RT 40- 69, 178-182)**. Concerns with the West Memphis Library were raised because it is not available for one of the early voting days, parking is insufficient, traffic is difficult, and the geography of the location is such that candidates could not carry campaign signs on the property and 100 feet from the door as required by law. **(RT 42-69)**. The Board briefly discussed that the Seventh Street Church of Christ in West Memphis was available and no concerns were raised concerning its functionality to house early voting other than Frank Barton’s “opinion it was an inferior location”. **(RT 40, 52-54, 59, 190-192)**.

On August 23, 2024, the motion to establish the West Memphis Library as an early voting location failed because it was not unanimous with 2 votes in favor and 1 vote against. **(RT 41, 44, 50, 53-54, 58, 218)**. Mr. Pulliaum voted against the library because he favored the Seventh Street Church of Christ, and hoped to further discuss that with the Board. **(RT 43-44, 50)**. Early voting for West Memphis was briefly discussed at the meeting held on September 3, 2024, but no vote was taken, and the meeting ended with Mr. Barton's declaration that "there is no early voting in West Memphis". **(RT 64, 208)**.

When it became clear that the Board would not entertain a discussion or motion concerning the Seventh Street Church of Christ, Mr. Pulliaum wished to change his vote to designate the West Memphis Library as the early voting location for West Memphis. **(RT 48)**. Despite being advised that Mr. Pulliaum would change his vote to in favor of the West Memphis Library if given a timely opportunity, Frank Barton refused to call a meeting, agenda an item, entertain a motion, and declared that there will be no early voting in West Memphis. **(RT 46, 48, 59, 64, 192-193, 203-208)**.

On, September 5, 2024, Paula Brown, Crittenden County Clerk, designated the Seventh Street Church of Christ as her early voting location. **(RT 77-79, 182-225)**. She did so because she was getting so many calls from her community, citizens and voters, expressing concerns that the Board had determined there would be no early voting location in West Memphis. **(RT 92, 99-101)**. The City of West

Memphis contains about half of Crittenden County's population, and a West Memphis early voting location serves additional cities within the county like Proctor, Anthonyville, and Edmondson. **(RT 91-92).**

The County Clerk's offices in the Crittenden County Courthouse cannot accommodate early voting. In order to enter the public entrance to the courthouse, one must traverse a steep, outdoor, concrete set of approximately twenty (20) stairs. Separate Defendant Crittenden County does provide handicap-accessible access to the courthouse with a ramp leading to the basement of the courthouse. Once inside the dark, damp basement, persons unable to climb the stairs and/or persons in wheelchairs can make their way to a small elevator big enough for two people that would take them to the first floor of the courthouse where the county clerk's office is located. Even then, however, the practical problem with early voting is not solved. As confirmed by counsel for Defendants and known by this Court because of experience, there is no access to the basement, and, thus no access to the elevator, when it rains. When it rains, the basement of the Crittenden County Courthouse floods. Depending on the amount of rain and the number of consecutive days of rain, the basement becomes largely impassible, especially by the elderly, infirm or handicapped. Voters with disabilities would be turned away if early voting were held at the Crittenden County Courthouse. **(RT 79-82, 96-98)**
(RP 73).

Upon receipt of the County Clerk's letter designating the Seventh Street Church as her early voting location, Barton made an independent determination "that she could not set anything outside the county seat". **(RT 183)**. Crittenden County has a single county seat in Marion. **(RP 70) (RT 176, 194)**. The Court asked Barton at the hearing on this matter, "You recognized in your prior testimony that Paula Brown sent you a letter dated September 5, 2024, advising you that she had chosen the Seventh Street Church of Christ as an early voting location. As chairman of the Crittenden County Election Commission, do you intend to staff or provide any resources for that voting site?", and Mr. Barton replied, "I do not". **(RT 208)**.

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VII.
ARGUMENT

Standard of Review

The standard of review of a circuit court's grant or denial of a petition for writ of mandamus is whether the circuit court abused its discretion. *Rogers v. Ark. Dep't of Corr.*, 222 Ark 19, 638 S.W.3d 265.¹ A circuit court abuses its discretion when it makes a decision that is arbitrary and capricious. *Id.* This Court reviews issues of statutory interpretation de novo because it is for the Court to decide what the statute means, but accepts a circuit court's interpretation unless it is shown that the circuit court erred. *Id.*²

Appellee's Argument

I. THE CIRCUIT COURT CORRECTLY HELD THAT THE CRITTENDEN COUNTY CLERK LAWFULLY DESIGNATED HER EARLY VOTING LOCATION AT THE SEVENTH STREET CHURCH OF CHRIST IN WEST MEMPHIS.

¹ citing *Martz v. Felts*, 2019 Ark. 297, 585 S.W.3d 675.

² citing *Schnarr v. State*, 2018 Ark. 333, 561 S.W.3d 308.

Crittenden County Clerk Paula Brown designated the Seventh Street Church of Christ in West Memphis as an early voting location for the 2024 General Election by exercise of her authority under *Ark. Code Ann.* § 7-5-418(a)(1)(A). **(RT 221)**. The General Assembly delegated this power to the County Clerk by stating “early voting shall be available to any qualified elector who applies to the county clerk’s designated early voting location, beginning fifteen (15) days before a preferential primary or general election between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m. Saturday and ending at 5:00 p.m. on the Monday before the election.” *Ark. Code Ann.* § 7-5-418(a)(1)(A). The plain language of the statute limits her discretion as to the time of early voting but does not limit her discretion as to its location.

Frank Barton, Chair of the Crittenden County Board of Election Commissioners, testified before the trial court that he independently determined that the County Clerk had no such authority to make this designation, and as such, he would not provide staff or any other resources for that voting site. **(RT 203-208)**. Barton was clear that there will be no early voting in West Memphis. **(RT 46, 59, 64)**. Barton has no authority to interpret law or declare official acts invalid; that power is judicial. *Ark. Const. Amendment 80*, § 1. The legislature delegated no oversight authority to the executive county board or to any individual member of it. Barton’s personal opinion concerning the official action of a County Clerk is irrelevant, and his attempt to use his official position as a single member

of an executive board to exercise judicial powers in a manner that would invalidate the County Clerk's official act violates the separation of powers doctrine. *Ark. Const. Art. 4, §§ 1 and 2.*

Even so, Appellants' adopt Barton's argument, and the Circuit Court correctly notes that in doing so attempt to create an ambiguity where none exists. **(RP 18).**

A. Appellants incorrectly argue that Ark. Code Ann. § 7-5-401 limits the County Clerk's authority.

Crittenden County has a single county seat in Marion. **(RP 70) (RT 176, 194).** Appellants' mistakenly argue that *Ark. Code Ann. § 7-5-401(c)* restricts the County Clerk's power to designate her own early voting location. Subdivision (c) only applies to "counties with more than one (1) county seat"; it is not relevant to the situation before this Court. *Ark. Code Ann. § 7-5-401(c)*. The Circuit Court correctly found that this provision is inapplicable on its face, neither restricts nor repeals the County Clerk's authority, and in fact compliments the grant of authority under *Ark. Code Ann. § 7-5-418(a)(1)(A)*. **(RP 70-71).**

In reviewing issues of statutory interpretation, the courts first construe a statute just as it reads, giving the words their ordinary and usually accepted meaning in common language. *McLemore v. Weiss*, 2013 Ark. 161, 427 S.W.3d 56 (2013). When the language of a statute is plain and unambiguous, as it is here, and

conveys a clear and definite meaning, there is no need to resort to rules of statutory construction. *Id.* However, the remaining provisions of *Ark. Code Ann.* § 7-5-401 further evidence the legislature’s intent to grant the County Clerk the authority to designate her own early voting location. *Ark. Code Ann.* § 7-5-401(a) designates the county clerk as the “custodian of the absentee and early voting ballots for any early voting conducted but the county clerk” and does not limit her authority concerning the location of early voting. Further, *Ark. Code Ann.* § 7-5-401(b) requires that the County Clerk “be furnished a suitable room at the county courthouse *or other location designated for* the purpose of exercising all the powers and duties concerning the application for, the issuance of, and the voting of absentee and *early voting ballots* required by law of the county clerk.” The plain language evidences the legislative intent that she be able to conduct early voting at locations that are not the county courthouse.

B. Appellants incorrectly argue that Ark. Code Ann. § 7-5-418(b) limits the County Clerk’s authority.

Ark. Code Ann. § 7-5-418(b)(1)(A) grants authority to the county board of election commissioners to hold “early voting at additional polling sites outside the offices of the county clerk..if it so chooses”. In so doing, the legislature, by its plain language, limits the location at which county boards can designate these locations; a county board cannot require early voting in the County Clerk’s offices.

Strangely, the Crittenden County Board of Election Commissioners interprets this limitation on their own authority to instead limit the powers granted elsewhere to the County Clerk.

There is no ambiguity in *Ark. Code Ann.* § 7-5-418(a), and, therefore, there is no need to consider legislative intent. *McLemore v. Weiss*, 2013 Ark. 161, 427 S.W.3d 56 (2013). Further, it is axiomatic that the courts strive to reconcile statutory provisions to make them consistent, harmonious, and sensible. *Brock v. Townsell*, 2009 Ark. 224, 309 S.W.3d 179. *First State Bank v. Metro Dist. Condos. Prop. Owners' Ass'n*, 2014 Ark. 48, 6, 432 S.W.3d 1 (2014). *Ark. Code Ann.* § 7-5-418 (a) and (b) are consistent, harmonious, and sensible when read together.

However, Appellants' position fails a legislative intent analysis as well. Under Acts 686 of 1995, 948 of 1995, and 967 of 1997, *Ark. Code Ann.* § 7-5-418(a) read: "Early voting shall be available to any qualified elector who applies *at the office of the County Clerk during regular office hours* beginning fifteen (15) days before an election and ending on the day before the election day at the time the County Clerk's office regularly closes."

Act 1092 of 1997 expressly repealed the language "at the office of" so that *Ark. Code Ann.* § 7-5-418(a) read: "Early voting shall be available to any qualified elector who applies *to the county clerk during regular office hours*, beginning fifteen (15) days before an election and ending on the day before election day at

the time the county clerk's office regularly closes." This evidences a clear intent to remove the location limitation that previously existed for county clerks.

Then in Act 269 of 2003, the legislature further clarified this provision by repealing the language "during regular office hours" and replacing it with "county clerk's designated early voting location" so that *Ark. Code Ann. § 7-5-418(a)(1)* read: "Early voting shall be available to any qualified elector who applies to the *county clerk's designated early voting location*, beginning fifteen (15) days before a preferential primary, general primary, general election, or general run-off election between the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday, and 1:00 p.m. to 4:00 p.m. Saturday, and ending at 6:00 p.m. on the Monday before the election." In removing the references to her "offices" the legislature evidences its intent to grant the County Clerk broad authority in the designation of her early voting location.

C. The legislature intended to delegate the authority to the County Clerk to designate an early voting location, and Appellant's interpretation is designed to undermine that intent.

As with many old courthouses in rural Arkansas, the Crittenden County Courthouse in Marion is regularly in a bad state of disrepair. As the Circuit Court Judge detailed:

“In order to enter the public entrance to the courthouse, one must traverse a steep, outdoor, concrete set of approximately twenty (20) stairs. Separate Defendant Crittenden County does provide handicap-accessible access to the courthouse with a ramp leading to the basement of the courthouse. Once inside the dark, damp basement, persons unable to climb the stairs and/or persons in wheelchairs can make their way to a small elevator big enough for two people that would take them to the first floor of the courthouse where the county clerk’s office is located. Even then, however, the practical problem with early voting is not solved. As confirmed by counsel for Defendants and known by this Court because of experience, there is no access to the basement, and, thus no access to the elevator, when it rains. When it rains, the basement of the Crittenden County Courthouse floods. Depending on the amount of rain and the number of consecutive days of rain, the basement becomes largely impassible, especially by the elderly, infirm or handicapped.”³

Appellants argue that this courthouse is the only location where Paula Brown can designate early voting; but this interpretation would render the language of *Ark. Code Ann. § 7-5-418(a)* completely meaningless. The Courts will not interpret a statute to yield absurd results that are contrary to legislative intent. *City of Maumelle v. Jeffrey Sand Co.*, 353 Ark. 686, 120 S.W. 3d 55, (2003). “We will not interpret the statute in a meaning that is contrary to the clear language of the statute; nor will we read into the statute language what is not there.” *Turnbough v. Mammoth Spring School List. No.2*, 349 Ark. 341, 78 S.W.3d 89 (2002).

Members of a county board of election commissioners are elected by their political parties, private organizations with no legal obligation to the voters. *Ark.*

³ (RP 71) (RT79-82, 96-98)

Code Ann. § 7-4-102(a)(2).⁴ Conversely, Paula Brown was elected County Clerk in a county-wide election. *Ark. Const. Amendment 41*.⁵ Appellants insist we should read these statutes in a manner that allows a single, unelected, politically affiliated person⁶ to exercise unchecked power concerning early voting. The Circuit Court correctly noted that “read together as required when doing statutory construction analysis, the duly elected county clerk can act as a safeguard to ensure that there is early voting at some place outside the courthouse in each Arkansas county. Thus, citizens in all seventy-five (75) counties have at least one elected official with the power to conduct early voting outside the courthouse. While a single, unelected, politically affiliated person’s power remains immense, it is at least checked in one regard.” **(RP 20)**.

The Arkansas Constitution requires elections to be “free and equal”. *Ark. Const. Art. 3, § 2*. Statutes dealing with election laws are interpreted liberally in favor of the constitutional right of suffrage. *LaFargue v. Waggoner*, 75 S.W.2d 235 (Ark. 1934). Appellants’ interpretation would allow Barton to use his position and

⁴ “Private individuals cannot be empowered to select boards to spend public funds, no matter how well qualified they may be”. *McCarty v. Walker*, 2021 Ark. 105, 622 S.W.3d 162 (2021) citing *Heatherington v. McHale*, 458 Pa. 479, 484, 329, A.2d 250, 253 (Pa. 1974).

⁵ “A fundamental precept of the democratic form of government imbedded in our Constitution is that people are to be governed only by their elected representatives”. *McCarty v. Walker*, 2021 Ark. 105, 622 S.W.3d 162 (2021) citing *Sedlak v. Dick*, 256 Kan. 779, 887 P.2d 1119 (Kan. 1995).

⁶ Delegating the power to appoint government board positions to a purely private organization “is legislative delegation in its most obnoxious form; for it is not even delegation to an official or an official body, presumably disinterested, but to private persons, whose interests may be and often are adverse to the interests of others in the same business.” *McCarty v. Walker*, 2021 Ark. 105, 622 S.W.3d 162 (2021) citing *Leathers v. Gulf Rice Ark., Inc.*, 338 Ark. 425 (1999).

authority to refuse to call meetings, place items on the agenda, or entertain motions in a manner designed to diminish access to early voting for more than half of the voters in the county with no oversight.⁷ It is absurd to argue that the legislature intended one man to have that kind of unfettered authority to interfere with Arkansas elections.

D. The county board of election commissioners is not excused from performing its mandatory statutory duties concerning early voting when the County Clerk designates an early voting location.

Ark. Code Ann. § 7-5-211(a) requires the county board of election commissioners to deliver the ballots and election supplies “before any election”. It does not specify polling site, early voting site, or who the election is conducted by. Subsection (b) states, “The county board of election commissioners shall be responsible for providing ballots and election materials for absentee and early voting to the county clerk before the beginning day for absentee and early voting.” The county board and its members have no discretion in this matter.

County Clerks staff early voting locations with both deputy clerks and poll workers selected by the County Board of Election Commissioners. The County

⁷ The State Board of Election Commissioners has determined that it has no appellate authority over early voting decisions by county boards of election commissioners. (RT 226-227). A writ of mandamus will not lie to control or review matters of discretion. *Martz v. Felts*, 2019 Ark. 297, 585 S.W.3d 675 (Ark. 2019).

Clerk has no authority to hire poll workers, but can designate them to assist with early voting after the county board has hired and trained them. *State Board of Election Commissioners, Rules for Poll Worker & County Clerk Training*, § 209 referencing *Ark. Code Ann.* § 7-4-109(e)(1). The county board and its members have no authority to prevent the County Clerk from designating poll workers to assist with early voting.

The county board of election commissioners is required to post public notice of the places and times for early voting at the courthouse and publish them in the newspaper. *Ark. Code Ann.* § 7-5-202 and § 7-5-416. The county board and its members have no discretion to omit any early voting location from notices and publications.

The county board of election commissioners is required to:

(a) Count the early and absentee votes prior to the closing of the polls on election day. *Ark. Code Ann.* § 7-5-416 (a)(7);

(b) Deliver 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. *Ark. Code Ann.* §§ 7-5-413(a)(1) and 7-5-418(a)(1)(A); and

(c) "Ensure compliance with all legal requirements relating to the conduct of elections". *Ark. Code Ann.* § 7-4-107(a).

The board and its members have no discretion in these matters. Barton testified that the board will not perform these duties at the County Clerk's designated location. Despite Appellants arguments to the contrary, Barton cannot be allowed to hold Crittenden County's budget line-item for elections, voting machines, ballots, and other election materials hostage.

Cross Appellants' Argument

II. THE CIRCUIT COURT ERRED IN FINDING THAT EARLY VOTING WILL NOT BE HELD AT THE FIRST BAPTIST CHURCH OF WEST MEMPHIS IN THE 2024 GENERAL ELECTION.

The Crittenden County Election Commission established the First Baptist Church of West Memphis as the early voting location for the 2022 general election by unanimous vote. (RT 35, 68, 70-74, 190, 222). *Ark. Code Ann.* § 7-1-101(29) provides "Polling site' means a location selected by the county board of election commissioners where votes are cast." The definition does not distinguish between early voting sites and election day sites. The First Baptist Church West Memphis meets this definition. If the legislature had intended for this term to apply only to election day polling sites, the legislature would have said so.

Ark. Code Ann. § 7-5-101(d)(1) provides that "the polling sites for each election shall be the same as those established for the immediately preceding general election unless changed by order of the county board of election

commissioners.” The plain language of this subdivision is clear. Appellants attempt to create ambiguity by arguing that the whole of subsection (d) applies to election day polling sites, and that it does not apply to early voting locations that otherwise meet the definition of “polling site”. However, the legislature used the words “polling site for any precinct” in subdivisions (d)(2) and (d)(3). *Ark. Code Ann.* § 7-5-101. Its failure to do so in subdivision (d)(1) evidences its intent that this subdivision apply to early voting locations that meet the definition of “polling site”.

Further the references to ‘polling sites for precincts’ in subdivisions (d)(2) and (d)(3) of *Ark. Code Ann.* § 7-5-101, stand alone and do not reference (d)(1). When the legislature intends for a subdivision to reference another, it does so explicitly with an internal reference like “except for school elections under § 6-14-106”, “as provided under subdivision (a)(1)”, or “including those elections listed under subsection (c)”. “*Legislative Drafting Manual*”, *Bureau of Legislative Research, State of Arkansas*, pp 50-55. (https://www.arkleg.state.ar.us/Home/FTPDocument?path=/BLR+Publications/Legal+Services+Division/LEGISLATIVE+DRAFTING+MANUAL--DECEMBER+2020_Updated.pdf). No such internal references exist in *Ark. Code Ann.* § 7-5-101(d)(1).

Under *Ark. Code Ann.* § 7-5-418(b)(1)(B) and § 7-5-101(a)(2) designation of polling sites by a county board of election commissioners requires a unanimous vote of the board. The Crittenden County Board of Election Commissioners voted

to designate the West Memphis Library, but it did not obtain a unanimous vote. (RT 41, 44, 50, 53-54, 58, 218). Therefore, no official action was taken by the Board to remove or move the early voting location established for West Memphis for the 2022 General Election. Early voting should be held at the First Baptist Church of West Memphis.

III. CONCLUSION.

For all of the reasons stated herein, the trial court:

- 1) Correctly determined that County Clerk Paula Brown lawfully designated the Seventh Street Church of Christ West Memphis an early voting location for the 2024 General Election;
- 2) Correctly ordered the Crittenden County Board of Election Commissioners to conduct early voting at and comply with all applicable Arkansas law concerning voting ordered at the Seventh Street Church of Christ in West Memphis for the 2024 General Election;
- 3) Erred in failing to order that early voting to be conducted for the 2024 General Election in Crittenden County at the First Baptist Church of West Memphis; and
- 4) Erred in failing to order the Crittenden County Board of Election Commissioners to comply with all applicable Arkansas law concerning voting at the First Baptist Church of West Memphis for the 2024 General Election.

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VIII.

REQUEST FOR RELIEF

Appellees Shirley P. Brown and Lavonda L. Taylor request that this Court affirm the portions of the final order of the trial court:

1) Granting Writ of Mandamus and any necessary concomitant relief concerning early voting in the 2024 General Election in Crittenden County at Seventh Street Church of Christ in West Memphis;

2) Ordering and directing the Crittenden County Board of Election Commissioners to conduct early voting at the Seventh Street Church of Christ in West Memphis for the 2024 General Election; and

3) Ordering and directing the Crittenden County Board of Election Commissioners to comply with all applicable Arkansas law concerning voting ordered at the Seventh Street Church of Christ in West Memphis for the 2024 General Election.

Cross Appellants Shirley P. Brown and Lavonda L. Taylor request that this Court:

1) Vacate the portions of the final order of the trial court denying the Writ of Mandamus and any necessary concomitant relief concerning early voting in the 2024 General Election in Crittenden County at the First Baptist Church of West Memphis;

2) Order early voting to be conducted for the 2024 General Election in Crittenden County at the First Baptist Church of West Memphis; and

3) Order the Crittenden County Board of Election Commissioners to comply with all applicable Arkansas law concerning voting ordered at the First Baptist Church of West Memphis for the 2024 General Election.

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IX.

CERTIFICATE OF SERVICE

The undersigned attorney does hereby certify that true and correct copy of the foregoing will be served electronically via eFlex on this 11th day of October, 2024 pursuant to Administrative Order No. 21, § 7(a) on the following:

Frank Barton, Anita Bell, and James Pulliaum in their Official Capacity as the Crittenden County Board of Election Commissioners by and through service upon their attorney of record, Joe Rogers.

The undersigned attorney does hereby further certify that a true and correct copy of the foregoing has been served upon the following via email to

tferrell@2ndjudicial.org:

Honorable Chris Thyer
Second Judicial Circuit, Division 3
P.O. Box 1334
Jonesboro, AR 72403

/s/ Jennifer A. Waymack Standerfer

Jennifer A. Waymack Standerfer

Arkansas Bar No. 2004039

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X.

**CERTIFICATE OF COMPLIANCE WITH
ADMINISTRATIVE ORDER NO. 19 AND
WITH WORD-COUNTY LIMITATIONS**

I, the undersigned attorney, hereby certify that the attached Appellees' and Cross Appellants' Brief complies with Administrative Order No. 19 in that all "confidential information" has been excluded from the "case record" by (1) eliminating all unnecessary or irrelevant confidential information; (2) redacting all necessary and relevant confidential information; and (3) filing an unredacted version under seal, as applicable.

Further, the undersigned attorney states that the foregoing Brief conforms to the word-count limitation identified in Rule 4-2(d) of the Rules of the Supreme Court and the Court of Appeals of the State of Arkansas and said Brief contains 4,587 words.

Identification of paper documents not in PDF format:

The following original paper documents are not in PDF format and are not included in the PDF document(s) file with the Court: None

/s/ Jennifer A. Waymack Standerfer

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