

VERIFICATION

I, Russ Aiken, the undersigned, hereby state on oath that I have read the above and foregoing Complaint, and that the facts, matters and statements contained therein are true and correct to the best of my knowledge and belief.

Russ Aiken
Russ Aiken

SUBSCRIBED AND SWORN to before me this 27th day of July 2010.

BART CRYMES
STONE COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires March 31, 2020
Commission No. 12578084

Bart Crymes
Notary Public

My Commission Expires: 3-31-20

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS COME - GREETINGS:

A PROCLAMATION CALLING FOR A SPECIAL ELECTION TO FILL THE VACANCY IN NOMINATION FOR THE DEMOCRATIC PARTY NOMINEE FOR THE OFFICE OF SHERIFF OF STONE COUNTY, ARKANSAS

WHEREAS, on June 18, 2010, the Stone County Election Commission certified the results of the June 8, 2010 primary election for, among other things, the Democratic Party nominee for the Office of Sheriff of Stone County, Arkansas; and

WHEREAS, the Stone County Election Commission certified that the two candidates on the ballot for said nomination received the same number of votes in the primary election; and

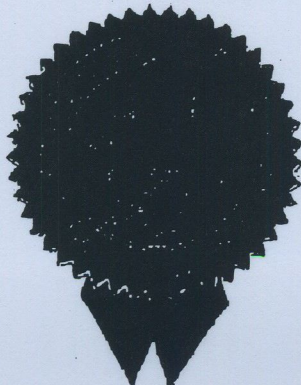
WHEREAS, Arkansas law provides that in the case of a tie vote for the same office in a general primary election, a vacancy in nomination for that office shall exist; and

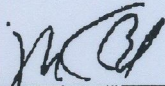
WHEREAS, by letter dated June 21, 2010, the Democratic Party of Arkansas notified me of the vacancy in nomination for the Democratic Party nominee for the office of Sheriff of Stone County and indicated that the Party chooses to fill the vacancy in nomination at a special primary election;

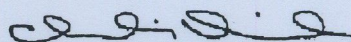
NOW, THEREFORE, I, MIKE BEEBE, Governor of Arkansas, by virtue of the power and authority vested in me by law, do hereby proclaim as follows:

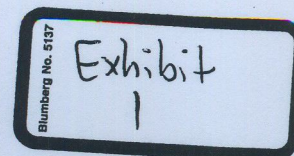
1. A special primary election shall be held on Tuesday, August 3, 2010, for the purpose of filling the vacancy in nomination for the Democratic Party nominee for the office of Sheriff of Stone County, Arkansas.
2. The period for filing for candidacy as a party candidate with the County Clerk for the special primary election shall commence at 12:00 noon on Friday, June 25, 2010. The deadline for filing as a party candidate shall be 12:00 noon on Friday, July 2, 2010.
3. Drawing for ballot position for the special primary election shall occur on Friday, July 2, 2010.
4. All other deadlines and requirements shall be as provided for by the applicable election laws of this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 23rd day of June, in the year of our Lord 2010.




MIKE BEEBE, GOVERNOR


CHARLIE DANIELS, SECRETARY OF STATE



FILED
IN STONE COUNTY, ARKANSAS

Stone County Election Commission Meeting
June 11, 2010- 3 p.m.

JUL 02 2010

AT 2:16 O'CLOCK P.M.
DONNA WILSON, CLERK
BY DA D

Stone County Election Commission met at Stone County Court House with all members present. Bob Turner called the meeting to order at 3:15 p.m. He explained that we were waiting on Attorney Lance Wright who works for Stone County Prosecutor Don McSpadden.

Chairman Turner said we have a motion on the floor and we need to continue with that.

Commissioner Allred disagreed that a motion was on the floor. Chair Bob Turner asked Commissioner Humphrey to restate the motion. Allred asked for the motion in writing which Humphrey stated as follows: "We turn all known discrepancies over to the prosecutor, including crossover votes and subtract all crossover votes to which the voter testifies." Chairman Turner asked for a 2nd to the motion. There was none. Chairman Turner asked attorney Lance Wright if he could 2nd the motion as chair. Wright said that "according to Roberts Rules of Order" he could not second the motion. Humphrey said: "This commission has never adopted Roberts Rules of Order." Turner said in that case, "I 2nd the motion." He called for a vote and Turner & Humphrey voted YES with Allred abstaining which is considered a NO vote.

Humphrey got up from the table and walked over to Freda Phillips and gave her a list of "what he described" as voting discrepancies along with the voter's name, which he said he got from the Stone County Clerk's office.

*

Lance Wright discussed several issues before the commission. Allred asked Wright if the county could have another election. Wright gave his lawyer answer of no which took several minutes. He said the commission could certify the count. The prosecutor was on his own.

The commission decided to meet again on Monday, June 14 at 9 a.m. at the Court House. Meeting was adjourned at approximately 4 p.m.

Respectfully Submitted,

Betty L. Allred

Betty L. Allred, 3rd Member
Stone Co Election Commission

6.18.10

↳ Humphrey asked Attorney Lance Wright if the list of voter irregularities was public info. Having received an affirmative answer,

Robert

FILED
IN STONE COUNTY, ARKANSAS

Stone County Election Commission

June 11, 2010

JUL 6 2 2010


AT 2:16 O'CLOCK P.M.
DONNA WILSON, CLERK
BY DA D

Stone County Election Commission met at 9 a.m. at the Stone County Court Room with all members present. Chairman Bob Turner called the meeting to order at 9:15 a.m. He asked if anyone in the audience had concerns. Lance Bonds spoke about questions he had with the election.

Commissioner Betty Allred asked if she could speak. She explained that she took the recount materials home, studied the results and she believed that she why the recount was 31 votes less than the original count. She said she believed the recount workers had not been given all the materials that they needed and she took full responsibility for that. She said one precinct had two voting machines instead of just one and she did not believe that the tape was taken from both machines for the recount at that precinct. She asked the two other commissioners and 2 recount workers as witnesses to go to the storage room and look for a tape left in a machine which did not get counted in the recount.

The meeting recessed at 9:30 a.m. while these people went to the storage room to determine if this happened.

The meeting reconvened at approximately 10 a.m. The two commissioners and 2 workers had indeed located the tape left in the machine. They had tallied the additional votes and Bonds gained 18 votes; Hudspeth gained 13 votes. The vote was back to the original tie of 1,383 which was perfect with the election night count.

Chairman Turner asked the boys if they were satisfied with the count and if they would consider a coin toss. Hudspeth said he DID NOT want a coin toss. Bonds said he needed time to ~~x~~ consider.. 

The meeting was adjourned at 10:22 a.m. with another meeting scheduled for 3 p.m.

Betty L. Allred

6.18.10

V-W. Hudspeth

Bob Turner

FILED
IN STONE COUNTY, ARKANSAS

Stone County Election Commission Meeting
June 10, 2010

JUL 02 2010
AT 2:16 O'CLOCK P.M.
DONNA WILSON, CLERK
BY DA D

Stone County Election Commission met at 9 a.m. in the Stone County Court Room. With all members present, the meeting was called to order at 9:05 by Chairman Bob Turner.

On a motion by Allred with a 2nd by Humphrey it was a unanimous decision to conduct a recount at 10 a.m. in the Stone County Court Room and hire the following workers: Pat Newcomb, Debra Alexander, Matt Hill, Randy Alexander, Robbie Purdom and Nancy Decker.

Following a discussion of election issues, the meeting was adjourned at 9:40 a.m. A meeting was set for Friday morning at 9 a.m. to discuss the next step in solving the election outcome.

Results of Recount

Presented to Election Commission Thursday, June 10, at approximately 2:30 p.m.

Bonds-1,365
Hudspeth-1,370

Betty L. Allred

6.18.10

D.W. Allred

Robert E. [Signature]

Stone County Election Commission Minutes

June 9, 2010

FILED
IN STONE COUNTY, ARKANSAS

JUN 02 2010

AT 2:16 O'CLOCK P.
BY DONNA WILSON, CLERK

SCEC met at the Stone County Court House. All members were present. Chairman Bob Turner called the meeting to order at 9:10 a.m.

He explained that in 20 years of serving with the election commission, the Stone Co Sheriff's runoff race on June 8, 2010, had ended in a tied vote of 1,383. He explained that the election commission would check election materials for provisional ballots. He explained what a provisional ballot is. Audience members asked if another election could be conducted, if cross over votes happened, if other voting irregularities occurred. Betty Allred explained about how paper ballots are procured and secured. Chairman Turner explained that the one calling for a recount would pay for it.

The meeting was adjourned at 9:40 a.m. for the commissioners to go to the store room and determine seek provisional ballots. On a unanimous vote to adjourn it was determined that the meeting would reconvene at 11:30 a.m.

Meeting reconvened at 11:30 a.m. and Chairman Turner announced two provisional ballots were cast but the election commission dis-allowed both. The count was the same.

Chairman Turner reported that his legal advisers from the State Election Commission indicated the commission could certify the election and declare a vacancy and refer the matter then to the local Democratic Party to determine a candidate. He said this was a 1st for Arkansas and there is no precedent to follow. He reported that a recount could be asked for within 48 hours following the election and whomever asks for the recount would pay for it.

After deciding to meet Thursday, June 10, at 9 a.m. the meeting was adjourned at 11:45 on a unanimous vote following a motion by Humphrey and a 2nd by Allred.

Betty L. Allred

6.18.10

[Handwritten signature]
Rob

FILED
IN STONE COUNTY, ARKANSAS

JUL 02 2010

AT 2:16 O'LOCK P.M.
DONNA WILSON, CLERK
BY DA D.

Stone County Election Commission Meeting
June 7, 2010
Minutes

Stone County election commission met at the SCEC storage room Monday, June 7, 2010 to disburse materials to the Stone County precinct chairs for the June 8, 2010 primary runoff election.

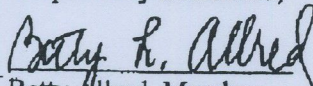
All members were present. Bob Turner called the meeting to order at 8:30 a.m. and the only action taken was the dispensation of materials all day long.

The last materials were picked up at 4:30 p.m.

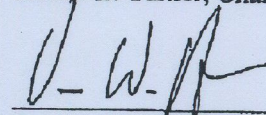
Stone County Election Commission Meeting
June 8, 2010
Minutes

Stone County election commission met at different times during the day to provide material needs for election precincts. Turner traveled to Bryan and Farris precinct, Allred traveled to Smartt, Locust Grove, Arbana, Harris, Ward I, East Out and West Out. All election commissioners were at election central by 7 p.m. and helped with vote counting until final totals were determined at 9:15 p.m.

Respectfully Submitted,


Betty Allred, Member

Robert E. Turner, Chair


Vernon W. Humphrey, Member

May 21, 2010

SCEC met at 9 a.m. at SC Courtroom and oversaw independent recount of May 18, 2010 race for Assessor. All were present. After a 1-hr for lunch and completed our duties at 2:30 p.m. The recount resulted in each candidate losing 3 votes each.

The board met at 3 p.m. following the recount and determined to meet at the SC Clerk's office at 9 a.m. Monday, May 24, 2010 to certify the May 18, 2010 election results.

Additions/Corrections?

May 24, 2010

SCEDC met at 9 a.m. at Co Clerk's office to sign certification form for May 18, 2010 election. SCEC appointed poll workers, designated poll sites and designated reporter of results to be Chair Bob Turner. May 18, 2010 election nite was discussed and on a motion by Humphrey, second by Allred, it was determined that Turner would give election results to public on June 8 runoff. Allred agreed to publish legals, poll workers, complete May 18 election ballot accounting form, application of election compliance and complete all election reports to state. HHA

Meeting adjourned at 9:45 a.m.

June 1, 2010

SCEC met June 1 at Co Clerk's office at 9 a.m. to turn over ballots to county clerk and check on status of runoff media. It was determined that media was in transit from Batesville having left there at 8 a.m. Allred announced that she would stay after meeting and coordinate getting machines set up and L & A testing completed asap.

Meeting was adjourned at 9:30 a.m. and next meeting was announced for June 7 at 8:30 a.m. to distribute election materials.

Respectfully Submitted,
Betty Allred, 3rd Member
Stone Co Election Comm.

Betty L. Allred

C. W. Allred

FILED
IN STONE COUNTY, ARKANSAS

JUL 02 2010

AT 3:16 P.M. U.S. CLERK
DOHNA WILSON, CLERK
BY DA D

April 19, 2010

Met @ SC Clerk's office at 9 a.m. All members present. Appointed election officials and hired election workers. Allred to get legals in newspaper, positing of officials, poll workers and L & A testing public notice in newspaper along with announcement of early voting and poll worker training. Allred announced poll worker training days for April 26 and 30 at SC fairground building also L & A Public Testing of Electronic Equipment for 6 p.m. April 22, 2010 at SC Clerk's office.

Next meeting set for April 22, 2010 @ 6 p.m. at Co Clerk's office.

Adjourned 10:08 a.m.

Additions/Corrections?

FILED
IN STONE COUNTY, ARKANSAS

JUL 07 2010

AT 2:16 O'CLOCK P.M.
DONNA WILSON, CLERK
BY DA D

April 22, 2010

Met at SC Clerk's office at 6 p.m. for public testing of electronic equipment. All members of SCEC, Randy Alexander, Krissy Kross, Co Clerk Donna Wilson were present.

Completed L & A Public Testing and filed results with County Clerk Donna Wilson.

Agreed to meet May 17 & 18

Adjourned at 7 p.m.

Additions/Corrections?

May 17, 2010

Met at SC Clerk's office at 9 a.m. to distribute election materials to poll workers. General discussion of duties and needs for the election. All members present Adjourned at 9:30 a.m.

Additions/Corrections?

May 18, 2010

Met at SC Clerk's office at 7:30 p.m. to determine results of election.

Agreed to meet at 9 a.m. Friday to certify election.

Additions/Corrections?

May 20, 2010

Chair Bob Turner and 3rd Member Betty Allred met at 4:30 p.m. with Co Clerk and Ed Williams to collate election materials needed to perform recount May 21, 2010 in Stone Co Court Room. RTAL tapes were removed from individual machines, zero tapes and results tapes were collected for each precinct and certified copy of April 22, 2010 L & A test was prepared for candidate requesting recount. We left workroom at 9 p.m.

2010 Stone County Election Commission Meetings:

January 14, 2010

Met @ SC Clerk's office @ 9 a.m. All 3 members present. General discussion of 2010 elections and duties. Allred announced that ES&S trainer from Chicago would be there today to train for all aspect of conduction elections.

Meeting adjourned at 9:30 a.m.

Additions/corrections? _____

FILED
IN STONE COUNTY, ARKANSAS

JUN 07 2010

AT 2:16 O'CLOCK P.M.
BY DONNA WILSON, CLERK
DWA

March 9, 2010

Met @ S C Clerk's office @ 9 a.m. All members present. Reviewed candidates forms for May 18, 2010 PP election. Discussed SCEC state training for March 10 @ Clinton, AR. Discussed general duties for PP and agreed to meet Friday, March 12, 2010 to draw for ballot positions. Noted early voting would begin May 3 through May 17. Raised pay for all election commissioners to maximum allowed of \$100 per meeting.

Meeting adjourned at 9:55 a.m.

Additions/corrections? _____

March 12, 2010

Met at SC Clerk's office @ 90 a.m. All members present. Heather Stevens met to ask that her political practice pledge be updated. All members agreed since there is no deadline for filing the political practice pledge and it can be changed until the ballots are ordered. Ballot positions for the May 18, PP were drawn. Clerk agreed to notify voters in East Out & Ward I that their new poll place is at the fairgrounds. All election workers must have social security card & photo ID recorded with Co Clerk before election payroll is processed.- The next meeting was announced for April 12, 2010.

Meeting adjourned at 10 a.m.

Additions/corrections? _____

April 12, 2010

Met @ SC Clerk's office at 9 a.m. All members present. Delivered absentee ballots to county clerk, discussed precinct boundaries, polling places, had general discussion of election duties and discussed election calendar and agreed to get DIS employee with state funding of \$1,080 supplied by state for tech support. Announced L & A public testing of election equipment for April 22, 2010. Announce in newspaper. Unanimous agreement on all items. Announced next meeting for April 19, 2010.

Meeting adjourned at 10 a.m.

Additions/corrections? _____

hp LaserJet 3380

KESTER LAW FIRM
4795711671
Jul-27-2010 9:58AM



Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
202	7/27/2010	9:51:35AM	Receive		7:09	9	OK

07/27/2010 09:46

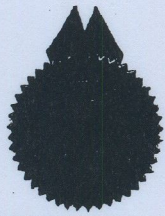
1-870-260-9453

Jim Diamond

Page 1/9

CHARLIE DANIELS, SECRETARY OF STATE

MIKE BEEBE, GOVERNOR



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 23rd day of June, in the year of our Lord 2010.

4. All other deadlines and requirements shall be as provided for by the applicable election laws of this State.

3. Drawing for ballot position for the special primary election shall occur on Friday, July 2, 2010.

2. The period for filing for candidacy as a party candidate with the County Clerk for the special primary election shall commence at 12:00 noon on Friday, June 25, 2010. The deadline for filing as a party candidate shall be 12:00 noon on Friday, July 2, 2010.

1. A special primary election shall be held on Tuesday, August 3, 2010, for the purpose of filling the vacancy in nomination for the Democratic Party nominee for the office of Sheriff of Stone County, Arkansas.

NOW, THEREFORE, I, MIKE BEEBE, Governor of Arkansas, by virtue of the power and authority vested in me by law, do hereby prescribe as follows:

WHEREAS, by letter dated June 21, 2010, the Democratic Party of Arkansas notified me of the vacancy in nomination for the office of Sheriff of Stone County and indicated that the Party chooses to fill the vacancy in nomination at a special primary election;

WHEREAS, Arkansas law provides that in the case of a vacancy in nomination for that office shall exist; and

WHEREAS, the Stone County Election Commission certified that the two candidates on the ballot for said nomination received the same number of votes in the primary election;

WHEREAS, on June 18, 2010, the Stone County Election Commission certified the results of the June 8, 2010 primary election for, among other things, the Democratic Party nominee for the Office of Sheriff of Stone County, Arkansas; and

WHEREAS, on June 18, 2010, the Stone County Election Commission certified the results of the June 8, 2010 primary election for, among other things, the Democratic Party nominee for the Office of Sheriff of Stone County, Arkansas;

THE OFFICE OF SHERIFF OF STONE COUNTY, ARKANSAS

VACANCY IN NOMINATION FOR THE DEMOCRATIC PARTY NOMINEE FOR A PROCLAMATION CALLING FOR A SPECIAL ELECTION TO FILL THE

TO ALL TO WHOM THESE PRESENTS COME - GREETINGS:

STATE OF ARKANSAS
DEPARTMENT OF REVENUE
PROCLAMATION

Arkansas Times

Archives | RSS

« At least 18 drown in Little Missouri...

| Open line »

ARKANSAS POLITICS Stone County election questions
Posted by Max Brantley on Fri, Jun 11, 2010 at 5:41 PM

You thought the race for Stone County sheriff was over? Think again.

Interesting account of the doings from Tyler Henderson of Mountain View, a third-year law student at UALR who's been following the proceedings closely. Three recounts. Apparent illegal crossover voting. And more. And no certified winner yet.

E-MAIL FROM TYLER HENDERSON

After a primary runoff that ended in a tie, a recount that revealed a winner by 5 votes, and the discovery of votes that weren't included in the recount, the Democratic nomination for Sheriff in Stone County is again locked in a tie. The Stone County Election Commission met Friday morning at 9AM to discuss what to do about ballots that were discovered after the recount. The recount, held on Thursday, revealed that incumbent Sheriff Todd Hudspeth had bested challenger Lance Bonds by a mere 5 votes, 1370 to 1365. The original tally for the runoff showed both men to be tied with 1383 votes each.

So what happened to the missing 31 votes? It turns out that the ballots from one of the electronic voting machines had been included in the original count, but not the recount. The addition of the missing ballots reinstated the tie. No action was taken at that time, although it was suggested that, according to the state election code, the two opponents would have to "draw lots" by agreeing to a coin toss or similar tie-breaker. That option was not attractive to either candidate. The Commission also suggested that a winner might be appointed by the Stone County Democratic Committee, but that option was also rejected.

The Election Commission decided to meet again at 3PM, a meeting that was observed by a packed courtroom. Mr. Lance A. Wright, deputy prosecutor for the 16th Judicial District, which includes Stone County, was present on behalf of Prosecutor Don McSpadden. Commissioner Vernon Humphries began by naming several discrepancies that had been discovered in the runoff, including one allegation of bribery and several reports of "crossover" voting in the Democratic primary by voters who had originally cast ballots in the Republican primary. Mr. White informed the commission that the prosecutor's office had already begun looking into the "crossover" votes to determine whether those allegations were true. Mr. Humphries moved to formally refer the matter to the prosecutor's office.

The motion did not obtain a second originally, but the chairman of the 3-member commission, Bob Turner, inquired as to whether he was allowed to provide a second. Mr. Wright replied that he didn't think Robert's Rules of Order Would Allow that, but Mr. Humphries interjected that the commission had never adopted Robert's Rules. Upon that, Mr. Turner seconded the motion. There was discussion about how the prosecutor's office would investigate the "crossover" voters; Mr. Humphries suggested that, where probable cause was present to suspect a person had cross-voted, that person be subpoenaed by the prosecutor's office. Mr. Wright informed the commission that such an "crossover" voting was a criminal act under state election law, punishable as a Class A misdemeanor, but that it might be problematic to compel a person to testify about how they voted. The intent was that crossover votes would be excluded from the final tally. After some more discussion, the original motion was passed.

Mrs. Betty Allred then asked Wright if another election could be held. Wright explained that the Secretary of State has said that is not an option; that under Ark. Code Sec. 7-7-104, there is no provision to allow for another election. Wright commented on the difficulty of the situation and that the code did not specifically address this unique situation, and that ultimately the decision might be one for the courts. Wright explained that 7-7-104, if read literally, says that the parties involved might draw lots or a vacancy for the nomination would be declared. White also commented that the Election Commission might not be able to wait on the prosecutor's office to finish its investigation before the vote would need to be certified, and that any prosecutorial findings might not ultimately help the commission reach a decision on whether or not to certify the vote. Wright suggested that the commission delay any decision to certify the vote and allow for more public input, perhaps advertising for another meeting in the local newspaper. At that point, Mr. Humphries got up and delivered what was presumably a list of voters and which primary they had voted in to a reporter for the local newspaper, telling the crowd that since who voted was a matter of public record, the newspaper could print the names of voters and what primary they voted in, and those who crossed over could voluntarily come forward and confess.

Arkansas Times

Archives | RSS

◀ 20th flood victim found

| Dem. program adds Causey, Elliott ▶

ARKANSAS POLITICS **Stone County sheriff dead heat UPDATE**
Posted by Max Brantley on Mon, Jun 14, 2010 at 11:31 AM

Tyler Henderson of Mountain View promises a report shortly on the Stone County Election Commission meeting today over the dead heat in the Democratic primary for sheriff that's been through several recounts and plenty of controversy. No decision on certifying the vote until Friday. If a tie is certified, it could be up to the Democratic Party to choose the candidate.

UPDATE: His report follows.

In an ongoing saga that could change election law statewide, the question of who will be named the Democratic candidate for sheriff of Stone County remains unanswered. The Stone County Election Commission met again Monday in a nearly-packed courtroom to discuss the continuing confusion about how to proceed after the recent Democratic runoff election ended in a tie. In the runoff, both candidates, Sheriff Todd Hudspeth and challenger Lance Bonds, received 1,383 votes. An initial recount declared Hudspeth the winner by 5 votes, but after the discovery of ballots that were not included in the runoff the total was corrected to reflect another tie. At a meeting last Friday, it was determined that all parties needed a chance to research the relevant law and possibly retain legal counsel. While it was hoped that this morning's meeting would produce a solution, questions remain about what will happen next.

Bob Turner, chairman of the election commission, began the meeting by introducing Lance A. Wright, deputy Prosecutor for the 16th Judicial District. Wright then introduced Daniel Brightwell, the Stone County attorney, and apologized for the absence of Don McSpadden, prosecuting attorney. Wright explained that, over the weekend, the men and others had researched the issue carefully. Still, he said, the law left many gray areas, and that any decision made by the election commission would likely be open to a court challenge. Brightwell agreed with Wright, saying that the most important thing to remember is that state election law is not clear on what to do. Brightwell noted that whatever the commission's decision, it would set a precedent. Turner told the crowd that any decision made would probably face a legal challenge, to which Wright and Brightwell agreed.

Vernon Humphreys, Republican election commissioner, noted that the initial count and the recount had both matched up, after the discovery of the misplaced 31 ballots that weren't included in the initial recount. Humphreys said he has decided the commission has no choice but to certify the election as a tie, except that two issues remain: 1.) How to address the issue of "crossover" voting in one precinct (where voters who first participated in the Republican primary later voted in the Democratic runoff), and 2.) The 2 overseas ballots that have yet to be received. Humphreys explained that the law requires the commission to wait 10 days to receive overseas ballots before certifying any results. Betty Allred, Democratic election commissioner, verified that the end of the 10-day period would be Friday, June 18. Allred agreed that the certification must be done as soon as possible, but that the election commission is not an investigative body and therefore isn't capable of investigating allegations of crossover voting. Allred said that the commission's job is to certify, or refuse to certify, the vote, and then responsibility for what to do next will be shifted to the Democratic Party. Turner suggested that the commission wait until 3pm on Friday to certify the vote, to which Humphreys and Allred agreed. Allred clarified that certification means the commission only certifies the number of votes each candidate received, but it does not declare a winner.

Turner then opened up the meeting for questions from the audience. First it was asked how the commission could certify the vote with the knowledge that there were crossover votes. Turner explained that before any other action could be taken, the vote had to be certified, and that if a court found problems with the crossover votes, a recertification might be necessary. Humphreys added that there is no legal method by which the prosecutor or commission could discover which candidate received illegal votes, but that other parties might be able to obtain that information through a civil case. However, he said, neither candidate can take legal action without certification.

Next, it was asked whether the poll workers who allowed crossover voting would be subject to any penalties. Turner replied that the prosecuting attorney, through the Arkansas State Police, was investigating that matter and would decide how to proceed. Allred said that she felt it was merely a mistake on the part of the poll workers. Humphreys stated that the commission has no punitive powers, and so the prosecutor would have to take action. However, the commission will have to determine whether to retrain those poll workers or replace them.

One person asked whether the list of crossover voters was public domain? Humphreys replied that it was, and that the Stone County Leader had a copy of that list. The public may obtain a copy of the list from the Stone County Clerk's office. Another audience member asked if the 31 votes were included in the recount, or were they ineligible. Turner replied that they were

Number No. 5137

Exhibit
3

recount; the 31 votes that were initially missing are not the same as the alleged crossover and other irregular votes being investigated by the prosecuting attorney.

It was asked whether the commission could contact the two persons who had overseas ballots to determine whether they had returned those ballots in the mail. Humphreys explained that the commission could not accept an answer from the overseas voters, only the ballots themselves. Several people in the audience claimed they had spoken to the voters in question (a couple working in Nigeria), and even the mother of one of the voters said that she had spoken to her son this morning, and that he indicated neither of the overseas ballots were returned.

Next, someone asked if no Democratic candidate was declared, could either candidate be declared a write-in candidate? Turner indicated he wasn't sure about the state of the law on this, but that he didn't believe no candidate would be declared. After an extensive line of questioning regarding the training of poll workers, it was asked what choices the election commission had to proceed. Turner replied that they could certify a tie, but that he believed the option to have the candidates "draw lots" still existed. He also noted the possibility of a special convention by the county Democratic party to choose a candidate or holding another special runoff election, but that the latter option would be very expensive and he did not prefer it.

William G. Almand, attorney for Lance Bonds, asked for a clarification of the election commission's duty regarding what exactly would be certified. Almand also asked whether the commission agreed that their choices were to either certify a candidate with a majority of votes or declare a vacancy. Turner replied that he believed the commission could certify a candidate with a majority or by drawing lots. Almand replied that his understanding of Ark. Code §7-7-102 says the commission must have a majority to certify, and that §7-7-104(b) says, without a majority, the commission must declare a vacancy (§7-1-101 Definition 30 defines a vacancy in nomination).

Another audience member asked why there couldn't be another special election. Turner replied he wasn't sure that was a perfect fix. Wright stated that while a special election seems to be the fairest choice, the commission is bound by law, and the secretary of state's office has made it clear that if the commission certifies a tie vote, a vacancy must be declared. Almand stated that the commission's job is fairly simple: they can certify the vote and a vacancy will exist. Then, the Democratic party must petition the Governor for a special election or a party convention to choose the candidate. The Governor has 25 days to respond to this request. Brightwell noted that either candidate may also concede the election prior to certification of the vote, and that would resolve the situation. Almand stated that it was unlikely the state legislature would have meant for election law to disenfranchise voters. Brightwell said that the problem is there is no test case, and that the current election could be voidable because of problems with illegal voting, such that a circuit court might order a new election. Almand noted that in either case, the result was the same: a new special election would need to be held at least 70 days before the general election. Sheriff Hudspeth commented, saying that he thought it was unwise for the county and the candidates to incur the extra expense of a new election that might be challenged and found illegal. Brightwell stated that he thought the Secretary of States office was reading the election law statutes differently than either he or Almand were, and that a special election was the likely intent of the legislature.

Turner then made closing comments, telling the crowd that the election commission would meet at 3pm on Friday to certify the vote, and that they would likely have to certify a tie. After that, he said, the situation would be handed over to the Democratic Party and the governor. Turner said that although this had been a long process, it was important that the commission move carefully. Turner reiterated that he still believes the "drawing lots" option is on the table, and that it is unlikely either candidate will concede.

The Stone County Election Commission will meet at 3pm on Friday, June 18, in the courtroom of the Stone County Courthouse to make a decision. I have also learned that the State Election Commission intends to introduce legislation, largely based on the outcome of this situation, in the upcoming legislative session that will address this issue.

Tags: Stone County sheriff, recount

Arkansas Times

Archives | RSS

« E.T., go home

| Kindly slow today »

ARKANSAS POLITICS **Stone County race ends in tie**

Posted by Max Brantley on Fri, Jun 18, 2010 at 4:25 PM

The Stone County Election Commission today declared that the race for the Democratic nomination for sheriff between incumbent Todd Hudspeth and Lance Bonds ended in a tie.

The latest report from our Mountain View correspondent, Tyler Henderson:

It's difficult to say what is hotter in Stone County right now: the temperatures or the discussion about the runoff to determine who will be the Democratic nominee for Sheriff. The Stone County Election Committee met again this afternoon to cool down the locally heated debate.

Chairman Bob Turner called the commission to order at 3pm inside the courtroom of the county courthouse. Immediately thereafter, Democratic Commissioner Betty Allred moved for the commission to certify the results of the June 8th Democratic sheriff's runoff as showing that both candidates, incumbent Sheriff Todd Hudspeth and challenger Lance Bonds, received 1,383 votes each. Republican Commissioner Vernon Humphrey seconded the motion, with the amendment that the commission certify the results of all the June 8th Democratic primary runoffs. The motion was accepted unanimously by the commission.

Turner then addressed the assembled crowd, which included both candidates and their attorneys, representatives of the 16th Judicial District Prosecuting Attorney's office, the media and a sizeable audience. "We've moved forward on what we needed to do," Turner said. "The [Democratic Party of Arkansas] will deal with it now. We should get a proclamation from the Governor by Wednesday."

Turner was referring to Arkansas Code Section 7-7-104, which states that, in case of a tie vote for the same office at a general primary election, a vacancy in nomination for that office shall exist. In that instance, the state committee of the relevant political party may petition the Governor for either a special election or party convention to determine who the nominee will be.

When asked by an audience member how the commission would let the public know what the Governor decided, Turner said that the commission would meet to view the proclamation before it was presented to the public. After that, the meeting was adjourned. The total elapsed time was only 6 minutes.

Whatever happens next, things look to stay pretty hot this summer in the Ozarks.

Tags: Stone County, sheriff election, Todd Hudspeth, Lance Bonds

Blumberg No. 5137

Exhibit
4

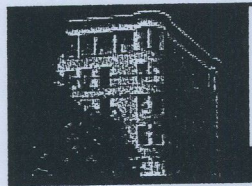
Today in print »



More Weather »

Tuesday, Jul. 27, 2010

Home News Sports Opinion Business Features Media Weeklies Blogs
Weather Calendar Directory Obituaries Corrections Archives NIE Mobile Subs



Storybook weddings and elegant rec
1905 Basin Park Hotel - (800) 9
12 SPRING STREET • EUREKA SPRINGS, A

Beebe sets sheriff's-race vote to break tie in Stone County

By KENNETH HEARD ARKANSAS DEMOCRAT-GAZETTE
Saturday, June 26, 2010

Share 0 tweet

Stone County voters will head back to the polls Aug. 3 to choose a Democratic nominee for sheriff after two candidates deadlocked in a runoff earlier this month.

Gov. Mike Beebe issued a proclamation Wednesday afternoon calling for the election to fill the Democratic Party vacancy created by the tie.

Republican candidate for sheriff William Rush Aiken was unopposed for his party's nomination.

Incumbent Sheriff Todd Hudspeth and challenger Lance Bonds each received 1,383 votes during the June 8 runoff.

State law does not provide procedures for breaking tied votes in primary elections.

Beebe's proclamation ends speculation about how the party would choose a candidate, said Stone County Election Commission member Betty Allred.

"We're really pleased ...

*Subscribers must **LOG-IN** to read this full story.
Monthly and yearly online subscriptions are available. Access is free for print subscribers.
Click here to see rates and register.*

STONE COUNTY QUORUM COURT REGULAR SESSION JULY 8, 2010

FILED FOR RECORD
 Doc# F10351
 Filed: 7/27/2010 11:14:03 AM
 Stone County
 Donna Wilson
 Circuit Clerk & Recorder

Stone County Quorum Court met in regular session on July 8 at 5:30 p.m. in the Stone County Courtroom. Those answering roll-call were: Brian Woody, Larry Gammill, Darlene Garman, Stanley Morrison, Michael Stewart, Robert Turner, Curt Decker, ER James, and Truman Bullard. Also in attendance was county attorney Daniel Brightwell. The meeting was opened with the pledge of allegiance to the flag.

Justice Gammill made a motion to approve the minutes for the June meeting as mailed by Stone County Clerk Donna Wilson. There was a second by Justice Bullard. There was a roll-call vote. Motion passed with all Justices voting "yea".

Justice Bullard made a motion to approve the treasurer's report as submitted by Stone County Treasurer Carla Stewart. There was a second by Justice Turner. There was a roll-call vote. Motion passed with all Justices voting "yea".

Cindy Kopack, U.S. Forest Service District Ranger for Ozark National Forest, gave report on the White Nose Syndrome effecting bats in caves our neighboring states. All precautions are being taken to deter contamination of the bats at Blanchard Caverns.

Virginia Breeding, equalization board member, is up for re-appointment. Justice Bullard made a motion to re-appoint Virginia Breeding to the equalization board. There was a second by Justice James. There was a roll-call vote. Motion passed with all Justices voting "yea".

Citizens of the City of Mountain View would like a time designated for bicycles to use the walking path at the city park. The city council approved bicycles to use the walking path from 1:30 p.m. to 3:30 p.m. Monday through Friday. Justice Decker a motion that the quorum court would back the decision of the city of Mountain View. There was a second by Justice James. There was a voice vote. Motion passed no "nay" votes.

Resolution 2010-10, a resolution to allow Ben Fun Park to apply for a grant was introduced. Justice Turner made a motion adopt the resolution. There was a second by Justice Bullard. There was a roll-call vote. Motion passed with all Justices voting "yea".

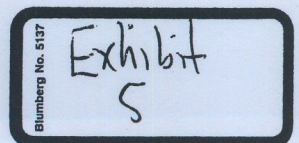
Ordinance 2010-4, a ordinance amending the 2010 budget for Stone County General Fund, Assessor Fund, and the E9-11 Fund was introduced. Justice Garman made a motion to adopt the ordinance. There was a second by Justice Decker. There was a roll call vote. Motion passed with all Justices voting "yea".

Becki Dalstadt, representative from Off the Beaten Path Studio Tour, addressed the court. The group would like the county to match \$450.00 that the City of Mountain View gave the group. Justice Bullard made a motion to match the donation of \$450.00 given by the city. There was a second by Justice Decker. There was a roll-call vote. Motion passed with all Justices voting "yea".

Judge Avey reported:

- Unemployment rates are March, 2009 8.8%, March 2010 9.6%
- The county received a \$12,906.00 refund from the Workers Compensation Trust Fund for 2006.

Justice Decker made a motion to adjourn. There was a second by Justice James. Court adjourned at 6:45 p.m.



Donna Wilson

Stone County Clerk Donna Wilson

July 8, 2010

Date

Stacey Alley
Stone County Judge Stacey Alley

