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**THE SENATE
STATE OF ARKANSAS**

RE: Willis v. Crumbly election contest proceedings

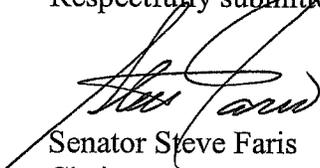
The following is the final report by the Senate State Agencies and Governmental Affairs committee in regard to the Willis v. Crumbly election contest hearing. By a vote of four (4) to three (3), the committee has recommended Option 3 under the election contest procedures to the full Senate as a benchmark for final action.

Option 3 reads as follows:

(3) If the evidence indicates fraud or irregularities that existed with regard to the June 13, 2006, runoff election did not rise to a level that influenced the results of the election and the respondent was duly elected to the Senate seat in question, the committee shall recommend the respondent maintain his or her current position in the Senate.

Please see the following pages for committee opinions and individual remarks from members of the committee. This concludes committee activity on this issue. The next step will be to bring the committee recommendation to the full Senate for final action at a date to be determined.

Respectfully submitted,


Senator Steve Faris
Chairman
State Agencies and Governmental Affairs Committee



**THE SENATE
STATE OF ARKANSAS**

***Willis v. Crumbly*
Election Contest – Committee Report**

**Senate State Agencies and
Governmental Affairs Committee**

**Chair, Senator Steve Faris
Vice Chair, Senator Gilbert Baker
Senator Ed Wilkinson
Senator Shawn Womack
Senator Randy Laverty
Senator Bobby Glover
Senator Bill Pritchard**

April 18, 2008

**COMMITTEE REPORT FROM THE STATE AGENCIES AND GOVERNMENTAL
AFFAIRS COMMITTEE OF THE ARKANSAS SENATE
Willis vs. Crumbly Election Contest Hearing**

On the 25th day of March, 2008, the State Agencies and Governmental Affairs Committee of the Arkansas Senate convened in the Old Supreme Courtroom of the Arkansas State Capitol for the purpose of hearing the election contest between former Representative Arnell Willis and Senator Jack Crumbly for the runoff election of the 2006 Democrat Party Primary in Senate District 16. Senator Jack Crumbly, a member of the committee, was ineligible to participate with the committee due to his status as a party to the case.

The committee was chaired by Senator Steve Faris and included Senators Gilbert Baker, Bobby Glover, Randy Laverty, Bill Pritchard, Ed Wilkinson, and Shawn A. Womack. After two full days of hearings, the testimony concluded, both sides rested their cases, and the committee closed its hearing. The committee has provided for a full transcript of the proceedings for reference and all witnesses involved were duly sworn in prior to testimony.

Pursuant to the rules adopted by the committee for the purpose of this hearing, the committee had four options from which to choose, based on their determination of the facts of the case. Those options were as follows:

FINAL DETERMINATION BY SENATE

At the conclusion of the hearing, the State Agencies and Governmental Affairs committee shall deliberate in a manner consistent with the powers granted to the Senate under the Arkansas Constitution and then issue a written recommendation to the full Senate regarding the resolution of the election contest. The committee shall make one (1) of four (4) recommendations:

(1) If the evidence indicates fraud or irregularities influenced the results of the June 13, 2006, runoff election and the fraud or irregularities rose to a level that would have changed the outcome of the election, the committee shall recommend the respondent be expelled from the Senate seat in question and the petitioner be placed in the Senate seat in question;

(2) If the evidence indicates fraud or irregularities influenced the results of the June 13, 2006 runoff election to the extent that it is impossible to determine the true winner of the Senate race, the committee shall recommend the respondent be expelled from the Senate seat in question and the Senate seat be declared vacant;

(3) If the evidence indicates fraud or irregularities that existed with regard to the June 13, 2006, runoff election did not rise to a level that influenced the results of election and the respondent was duly elected to the Senate seat in question, the committee shall recommend the respondent maintain his or her current position in the Senate; or

(4) If the evidence indicates no fraud or irregularities existed with regard to the June 13, 2006, runoff election and the respondent was duly elected to the Senate seat in question, the committee shall recommend the respondent maintain his or her current position in the Senate.

After several days of deliberation in which the committee examined the evidence, reviewed the testimony, and evaluated the law, a conclusion was reached that resulted in a split recommendation to the full Senate. Options number 1 and 4 were eliminated from further consideration because the clear weight of the evidence was inconsistent with the results required for either of these options. Options 2 and 3 were unanimously determined to be the scope of further deliberation from which any ultimate decision would come. Three members of the committee voted to recommend option 2, four members of committee voted to recommend option 3. Attached to this report is the opinion in support of each position. The majority opinion, supporting option 3, was authored by Chairman Faris and joined by Senators Baker, Lavery, and Wilkinson. The minority opinion, supporting option 2, was authored by Senator Womack, and joined by Senators Glover and Pritchard.

The following items were agreed to unanimously by the committee.

- a. Fraud and irregularities, which were flagrant in nature, did exist in the election process;
- b. There is no evidence that Senator Jack Crumbly personally committed any of the fraudulent or irregular activity in the election process;
- c. It is the request of the committee that the United States District Attorney for the Eastern District of Arkansas conduct a full investigation of the fraudulent and irregular activities in this election process and a full review of the evidence before this committee; and
- d. It is the request of the committee that the appropriate state agencies, including, but not limited to, the Arkansas State Police and the Arkansas Election Commission, to the fullest extent of their authority, review the fraudulent and irregular activities in this election process and conduct monitoring and oversight of all elections in St. Francis County until such time as they are convinced that all procedures required by law are being followed by election officials as it pertains to conducting the elections, handling the ballots, and counting votes;

This report concludes the action of the State Agencies and Governmental Affairs Committee of the Arkansas Senate as it pertains to the election contest In RE: Willis vs. Crumbly.

Opinion in support of option 3:

Written by Chairman Steve Faris and joined by Senators Gilbert Baker, Randy Laverty, and Ed Wilkinson

Option 3 states as follows:

- (3) If the evidence indicates fraud or irregularities that existed with regard to the June 13, 2006, runoff election did not rise to a level that influenced the results of election and the respondent was duly elected to the Senate seat in question, the committee shall recommend the respondent maintain his or her current position in the Senate.**

Four members of the committee voted in support of option 3. It was clear from the facts and evidence before the committee a very large degree of fraud and irregularities did in fact occur during the course of the election in question. There is no dispute some votes cast in this election were cast in either a manner not conforming to the requirements of law or were the subject of forgery.

The responsibility this issue has placed upon us as committee members is one we have approached with the highest degree of seriousness and scrutiny. With this in mind, it is our opinion the evidence, albeit compelling, did not rise to the level of influencing the outcome of the election to the point of absolute or comfortable certainty as to changing the outcome as certified by the Secretary of State.

Therefore, although there are inconsistencies in the number of ballots and stubs existing for both the absentee and the early voting boxes, we believe these inconsistencies do not rise to the level of which we can discount these votes. To overturn the outcome of the election, to discount votes of electors, and to recommend the removal of a duly sworn Senator from office are issues of extremely serious consequence which, in our opinion, require a very high standard of proof. With this in mind, we have concluded such a standard of proof has not been met to the degree of certainty for us to make such an assumption.

However, the evidence and testimony presented during our hearing shows a blatant and flagrant disregard for the democratic process of election as guaranteed by the Constitution and laws of our State and Nation. Such disregard by election officials cannot be tolerated and overlooked without the total compromising of the electoral process and the sacred right of every citizen to vote.

Furthermore, it is our opinion the evidence and testimony presented during our hearing unveils a chilling and alarming pattern of disregard for state election laws in a cavalier and irresponsible manner. Each election official responsible should be held fully accountable for their actions in the proper judicial forum. Until such accountability is seriously and aggressively pursued, there is little doubt these type situations will not only continue but will in all likelihood worsen.

Opinion in support of option 2:

Written by Senator Shawn A. Womack and joined by Senators Bobby Glover and Bill Pritchard

Option 2 states as follows:

- (2) **If the evidence indicates fraud or irregularities influenced the results of the June 13, 2006 runoff election to the extent that it is impossible to determine the true winner of the Senate race, the committee shall recommend the respondent be expelled from the Senate seat in question and the Senate seat be declared vacant;**

Three members of the committee voted in support of option 2. The official results of the election were certified with Crumbly defeating Willis by 68 votes. We believe that based on the evidence before us, there is proof in the evidence submitted of at least 69 absentee votes that were not cast in accordance with the statutory requirements for the absentee voting process. Pursuant to the holding in *Womack vs. Foster*, 340 Ark.124, 149,8 S.W.3d 854, the standard for judging votes cast by absentee ballot is a standard of strict compliance with the statutory requirements as they pertain to the application for the absentee ballot and the ballot itself. Therefore, it is our opinion that those 69 ballots must be thrown out.

In addition to the absentee ballots that were improperly cast, we believe there were at least 18 votes that included some element of forgery for which there was no contrary evidence or suitable explanation provided by the attorney for the respondent. Both the counts of at least 69 ballots in non-compliance with the statute and at least 18 absentee votes containing some element of forgery were determined by viewing the evidence in a light most favorable to the respondent. The actual count for both is likely higher. If we stopped at that point and did not consider any other evidence, it is our opinion that there are a sufficient number of votes in question to make it impossible to determine the true winner of the Senate race as is the declared standard adopted by the committee in option 2.

In our opinion, it is a legitimate function to consider additional items in evidence beyond the proof established with regard to the absentee ballots discussed previously. There was evidence presented by the attorney for the petitioner indicating a discrepancy in at least 781 other instances pertaining to ballots and stubs. Within this count are the following:

- Early ballots cast exceeding the number officially accounted for by 99 ballots
- Early ballots cast exceeding early voting stubs by 511 ballots
- 72 stubs for early voting that were in three separate sequences, rubber banded together and laid flat inside the stub box (The standard procedure was for the poll worker to fold the stub several times and push it through a small opening in the top of the box)
- 97 stubs for absentee ballots in excess of the number of absentee ballots
- 2 absentee ballots that were properly cast for the petitioner and placed in a properly filled out envelope and then removed and placed in a blank envelope and not counted

These discrepancies were presented without being significantly contested by the attorney for the respondent. These discrepancies are great cause for concern for the democratic process and add to the legitimacy of the point argued by the attorney for the petitioner that the vote was manipulated by the "stuffing" of extra ballots into the boxes or removal of unfavorable ballots from the boxes.

We take our responsibility as members of this committee very seriously. We do not take lightly the consequences of our decision to recommend option 2, which if accepted by the full Senate, would result in the removal of our colleague from office. This decision is made more difficult by the fact that we don't believe that Senator Crumbly personally contributed to the wrong doing. However, it is our view that the weight of the evidence was extremely significant to the point that the only conclusion that we can make is that the fraud and irregularities committed in this election did in fact rise to a level that it made the true outcome of the election impossible to determine. For these reasons we recommend to the full Senate that option 2 be followed, that the respondent be expelled from the Senate seat in question, and that the seat be declared vacant.

Each Senator was given the opportunity to prepare individual remarks for inclusion in the record if they so desired.

The following pages contain statements from Chairman Faris and Senators Glover, Baker, Womack, and Pritchard.

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THE SENATE STATE OF ARKANSAS

FINAL COMMENTS REGARDING THE WILLIS VS. CRUMBLY ELECTION CONTEST

Nothing I have been involved in as a member of the Arkansas General Assembly has been more difficult than this task. As these proceedings end, I would like to offer my thanks and gratitude to the members of the State Agencies and Governmental Affairs Committee for the many hours of thoughtful debate and deliberation that brought us to this decision.

As a final note, I must again emphasize the need for a full and complete investigation of the electoral process in St. Francis County. Though it is beyond the scope of our authority, it is imperative the proper authorities weigh in heavily to ensure the people of this area have a clean, above board, and lawful electoral process in the future.

As a former chairman of a county election commission, there is not a doubt in my mind there was blatant and flagrant disregard for the law as applied to various aspects of the electoral process. Actions such as these are criminal in nature and cannot, nor should not, be ignored or overlooked.

Any and all election officials responsible for this situation must be held accountable for their actions. This includes, but is not limited to, the Chairman of the Election Commission and the County Clerk. The root of this problem lies with the individuals who have compromised their duties in a lax and irresponsible manner, with obvious disregard for the law.

Finally, it is difficult to understand how the Prosecuting Attorney can justify not recusing himself as attorney for the election commission in light of the obvious conflict of interest with his primary responsibilities as a prosecutor in this situation. Though not under the purview of our authority, his unwillingness to recuse reflects an unwillingness to cooperate and has to make it difficult to confidently provide a fair and unbiased environment in the proper judicial and investigatory arenas.

To sum it up, if this situation is not addressed quickly and seriously with all available resources, hearings like this may sadly become commonplace as “bad actors” take bolder and bolder steps to circumvent and unduly influence the electoral process.

Senator Steve Faris
Chairman
State Agencies and Governmental Affairs Committee

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STATEMENT OF SENATOR BOBBY L. GLOVER
April 16, 2008

As a member of the Senate State Agencies and Governmental Affairs Committee, an awesome and very important responsibility has fallen on my shoulders regarding the Willis vs. Crumbly election contest held in St. Francis County, Arkansas, in 2006.

I have always taken the position throughout the election contest hearing to be objective as to the testimony, the evidence, and reviewing the laws governing the election process, including the conduct, duties, and responsibilities of those holding election positions and any possible violations of any law or laws pertaining to paid campaign workers and/or volunteers.

Upon the conclusion of the election contest hearing, I made it very clear that the credibility of the Arkansas State Senate is at stake in the eyes of our constituents and the citizens of Arkansas.

After hearing undisputed testimony and taking into consideration the evidence presented and, moreover, the lack of evidence that was either missing or destroyed, I have come to the conclusion that the state senate seat election held in St. Francis County between Willis and Crumbly was undoubtedly one of the most corrupted elections ever held in the state of Arkansas.

Following are my specific reasons for making such a statement:

A paid campaign worker for Crumbly stated under oath that she personally handled between 250 to 275 absentee ballots in this election. Furthermore, this worker is known as the "absentee ballot queen" in Forrest City, which is the county seat of St. Francis County. Under Arkansas law, a bearer is only allowed to handle 2 absentee applications and ballots per election.

In carefully examining the absentee applicants and ballots that would not qualify, including forged ballots, a handwriting expert, Dawn Reed, testified under oath that Louise Fields, a paid campaign worker for Crumbly, had made at least 75 entries on

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absentee ballot applications and related election records. She pointed out that the same 3 people wrote numerous entries on the documents, which included the name of Louise Fields. Ms. Reed further testified that, in many instances, she could identify at least 40 forged applications and had questions about approximately 250 absentee applications as to their legitimacy.

I would like to point out that the official results of the election that was certified gave Crumbly 68 votes over Willis. Thus, the number of absentee votes that were found to be forged would far exceed the 68 votes giving Crumbly the win.

Although these facts alone are enough to make it impossible to determine the true winner of the Senate race, unfortunately, there is much more evidence to consider.

There were 103 absentee votes that undeniably did not meet the statutory requirements, including the forged absentee ballots. In addition, the evidence showed that:

- 1) 99 early voting ballots were missing;
- 2) 511 early voting stubs were missing;
- 3) 72 stubs for early voting were found in 3 separate sequences, rubber banded together laying flat inside of a stub box; and
- 4) There were 97 more absentee stubs than ballots, and 2 absentee ballots were found in an unmarked envelope in the county clerk's office that had not been counted.

A poll worker, B.J. Griffith, testified she found a box of early voting ballots in a shabby cardboard box.. A ballot stub box was found in a janitor's closet between the wet box and the brooms. Griffith also testified she was one of three who hand counted the ballots and that they found 178 missing early voting ballots when compared against the certified election results.

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Taking all of these totals into consideration, now you have over 900 questionable ballots that places the Willis vs. Crumbly election in jeopardy to the extent that there is absolutely no way, under any circumstances, that a legal election was held in this matter because of the blatant and proven disregard of election laws.

As a result of outright fraud and illegal irregularities, I have joined with Senator Shawn Womack and Senator Bill Pritchard in their opinion that the evidence is clear that fraud and irregularities influenced the results of the June 13, 2006, run-off election. Further, to the extent that it would be impossible to determine the true winner of the Senate race, I recommend that the respondent be expelled from the Senate seat in question and such seat be declared vacant. This same recommendation would stand if Mr. Willis were in the seat instead of Mr. Crumbly, under the same circumstances.

I also want to point out that, apparently, all the corrupt practices involved in this election were conducted (1) in the courthouse by Mr. Frederick Freeman, serving as St. Francis County Election Commissioner Chairman, and (2) a voting precinct at a church in Forrest City which allowed unregistered voters to cast a ballot.

It should be noted that, in my opinion, this cloud of dishonest behavior by no means implicates the law-abiding citizens of Forrest City and St. Francis County, who deserve much better. For that reason, steps must be swiftly taken to end these unethical practices in elections.

In conclusion, I have always considered myself being a friend of Mr. Crumbly and Mr. Willis equally. While I do not see any handprints of Mr. Crumbly on the election documents or evidence that was present, I truly believe that, without a doubt, both paid and unpaid supporters of Mr. Crumbly showed that they would stop at nothing to have their candidate elected as State Senator. Further, I would like to reiterate that, in order for the state Senate to remove the cloud that is hovering over it as a result of these fraudulent election practices and maintain the credibility that is incumbent upon us, I

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feel it is necessary to support the expulsion of Mr. Crumbly as a State Senator and to ask the governor to call a special election to fill the empty seat.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby L. Glover".

Senator Bobby L. Glover

BLG/slf

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April 16, 2008

The Senate State Agencies Committee was given a very difficult and serious task. We were charged with trying to determine the accuracy of an election that occurred almost two years ago.

As we listened to sworn testimony and reviewed various documents and facts, it was obvious that there were many problems and discrepancies throughout the voting process. Activities of those charged with oversight of the election process raised multiple concerns. Hopefully, improvements of oversight and implementation for future elections will occur as a result of the hearings that have been held.

In my opinion, the evidence presented did not verify fraud to a level that I could definitely determine that the election outcome should be invalidated.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Gilbert Baker".

Senator Gilbert Baker, Vice-Chairman, State Agencies Committee

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**THE SENATE
STATE OF ARKANSAS**

April 17, 2008

To Members of the Arkansas Senate
In RE: The Willis vs. Crumbly Election Contest

Dear Colleagues:

It is with a somber attitude that I write today to advise you of my position in the Willis vs. Crumbly matter. As a point of full disclosure, I entered the House of Representatives as a freshman member in 1999 with then Representative Arnell Willis and served two terms with him in the House. I have served for seventeen months in the Senate with Senator Jack Crumbly since voting to seat him as a member in November of 2006. In fact, I advocated to many of you that he be seated, as a matter of process, based on the best information about the then certified election that was available to us at the time. I have come to know both men to be honest and capable legislators.

As a member of the Senate State Agencies and Governmental Affairs Committee, I have taken my charge to be a fair arbiter of the facts in this case very seriously. Through the course of these proceedings I have made every effort to completely disregard any relationship I may have enjoyed with either party, as well as any information that may have been in the public domain but outside the scope of evidence presented. My focus was on the evidence presented by the parties, the credibility of the evidence and witnesses involved, and the degree to which the opposing party contested the evidence presented,

In preparation for this hearing, a list of four options was adopted by the committee and presented to the parties so that all involved were fully aware of the possible outcomes as they related to the findings of fact. With that information at hand, the committee members, the parties, and the attorneys for the parties knew the standards that would be used and the thresholds that had to be met for each possible outcome.

It should be noted that although this is a multi-county Senate district, all evidence in this hearing was limited in its scope to St. Francis County, the home county of Senator Crumbly. It should also be noted that this case comes to the committee nearly two years after the election in question because both parties failed to properly raise the issue of jurisdiction in the court proceedings until after the second remand from the Supreme Court on other issues, thereby causing this delay.

Upon hearing all witnesses and accepting all evidence, the public hearing closed and the committee met extensively in deliberations to weigh the evidence, make our findings of fact, and apply the law in accordance with our findings and the adopted standards. It quickly became clear that the threshold for finding in favor of option 1 had not been met by Mr. Willis. Option 1 would have required sufficient proof that any fraud or irregularities that did exist rose to the level of actually changing the outcome of the election in favor of Mr. Willis. That standard simply was not met by Mr. Willis and frankly would have been nearly impossible to meet given the secret ballot provisions that exist for voters. Similarly, in light of the overwhelming evidence indicating both fraud and irregularities in this election, option 4 was not seriously considered.

Our opinion in support of option 2 cites the evidence upon which we relied in concluding that the outcome of the election was indeterminable. The certified vote total declared Senator Crumbly the winner by 68 votes. It is my opinion that at a bare minimum there is proof of 69 absentee ballots or associated applications which failed to meet the standard as clearly set out in the statute. This number is concluded by giving all benefit of the doubt to the arguments of Senator Crumbly. The actual number is likely significantly higher.

It is important at this point to differentiate between absentee ballots and other ballots. Any ballot cast at a polling place or at an early voting site, is done in the presence of trained poll workers and under the supervision of the election commission or clerk of the county. The process is routine, open, and public so that the opportunity for fraud or manipulation of the ballot or the stub is greatly diminished. An absentee ballot on the other hand is voted outside of the presence of any trained worker or neutral observer thereby increasing the opportunity for fraud or manipulation of either the application for the ballot or the ballot itself. The unwitnessed and unguarded absentee ballot is held to a higher standard in the law, as it should be, to reduce the risk of behavior that would jeopardize free, fair, and open elections.

This higher standard is laid out in specific terms in the statutory provisions passed by the legislature and is confirmed in the holding in the Womack (no relation) case that is cited in our opinion. In the Womack case, the Arkansas Supreme Court recognized the higher standard that the legislature applied to absentee ballots and ruled the proper measure to use in determining the validity of an absentee ballot or an application therefore is a standard of strict

compliance with the statutory requirements. Any absentee ballot or application which is not completed in strict compliance with those higher standards must be disregarded and not counted in the election.

In addition to the absentee ballots that should be disregarded for not being properly cast, there are at least 18 absentee ballots that the evidence shows contained some element of forgery and should be thrown out as well. Again, the 18 is figured by viewing the evidence in a light most favorable to Senator Crumbly. In this category, we made an assumption that all potential forged absentee ballots that were contested by Senator Crumbly were in fact not forged. In light of the credibility of the evidence and testimony presented on both sides as to this point of forgery, it is likely that the number actually does exceed 18.

Combined, these two categories provide for at least 87 votes from St. Francis County that should be disregarded. This exceeds the overall margin of the election. Given the secret ballot nature of our elections in Arkansas following the changes that removed the identifying numbers from the ballots a few years ago, it is not possible to determine for which candidate the invalid votes were cast even though we can identify the voters in these two categories.

In addition to these 87 invalid absentee votes, there are 779 instances laid out in our opinion that have a problem relating to the reconciliation of ballots and stubs and evidence of two absentee votes properly cast for Mr. Willis, which were removed from the properly filled out envelope and placed in a blank envelope and not counted. As an accounting function and as a verification function, the number of ballots cast should match the number of stubs presented. The very purpose of this reconciliation is to be a safeguard against the manipulation of elections by those who would either stuff extra votes into a ballot box in favor of a candidate or remove votes from a ballot box to harm a candidate. This type of manipulation in favor of Senator Crumbly and to the detriment of Mr. Willis has been alleged in this case and is supported by credible evidence.

Mr. Willis presented evidence indicating the lack of reconciliation between stubs and ballots as laid out in our opinion and that evidence was not seriously contested by Senator Crumbly. Furthermore, Mr. Willis makes a strong case that there was both motive and opportunity on the part of the Chairman of the Election Commission, a supporter of Senator Crumbly, to engage in this type of manipulation.

With the 779 unreconciled ballots and stubs, the two improperly discarded absentee votes and the 87 invalid absentee votes, there are 868 instances of problematic votes cast in this election; 800 more than Senator Crumbly's declared margin of victory. With the bulk of the weight of my decision given to the absentee problems, I concur that these other issues are valid for

consideration as well. Therefore, I find that as a matter of fact, the true winner of the Senate race cannot be conclusively determined. When I apply the law to this finding of fact and consider the standards adopted for these proceedings, I am left with no choice but to recommend option 2 be adopted by the full Senate, Senator Crumbly be expelled from the Senate, and the Senate seat be declared vacant.

I do not take this recommendation lightly in the first place, but regrettably this action is even more difficult because I do not believe there is any proof before us that Senator Crumbly committed, encouraged, or condoned, any of the fraudulent and irregular activities that occurred, although he was the ultimate beneficiary. Senator Crumbly is a victim in this case from the standpoint that his reputation has been called into question and damaged and the legitimacy of his status as a Senator is in doubt. Mr. Willis is also a victim in this case because although there is a strong possibility that he may have been the actual winner of the election, his charge that it was stolen from him, while appearing credible, cannot be proven conclusively.

The most unfortunate victims however are the citizens of District 16 and the State of Arkansas. The thousands of voters who properly cast their ballots in favor of the candidate of their choice have had this election stolen from them to the point that, regardless of which candidate they supported, their legitimate actions of participating in democracy are in doubt because of the illegitimate actions of others. If the bad actors in this case are left free to act again, what does that do to future elections in this county, in this district, or in a statewide election? How can we as citizens and voters have confidence that our votes count and are properly counted when there are those among us, some in a position of trust, that put all of these things in doubt?

There have long been anecdotal indications of a culture of corruption in the election processes in this part of the state. The facts before us in this case certainly do nothing to dispel those indications. By allowing the absentee ballots to be cast the way they were, by not properly reconciling the ballots to the stubs and making a proper accounting of the actual votes cast in this election, and by failing to cooperate and follow up with any serious investigation in this case, the elected and appointed officials involved in this process have miserably failed to serve the very voters that they are sworn to serve. We cannot be certain if the problem in this case is fraud or incompetence or both, but clearly the problem is deep and systematic within St. Francis County.

Respectfully submitted,



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MEMBER:
JOINT AUDIT
RULES, RESOLUTIONS & MEMORIALS
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**THE SENATE
STATE OF ARKANSAS**

The Courts refusal to hear this matter in a timely fashion has put this body in an extremely difficult position. We should have been deciding this issue some 18 months ago, before Jack Crumbly was seated as a member of the 86th General Assembly, but that was not our choice and the timing does not change the facts.

Our charge was to determine was there fraud or irregularities in the election and if yes, to what extent did these actions affect the outcome of the election.

After two days of sworn testimony (during which I took 40 pages of notes), many hours of committee deliberation, and many more hours of debating with myself, I have reached the following conclusions based on the facts without regard to personal feelings or personalities:

There was evidence of many substantial instances of fraud and irregularities which included forgery, double voting, improper and illegal actions by election officials, mishandling of absentee ballots, failure to reconcile ballots to stubs, and ballots not being properly secured.

No one disputes these facts. The respondent gave no convincing testimony to dispute these allegations and, in fact, agreed that many of the ballots should not have been counted. It has been argued that we do not know if these "Bad Ballots" were cast for Crumbly or Willis. If we did know, then we could adjust the totals accordingly and determine the winner. Since we do not know for whom these ballots were voted, I must concur with the minority opinion that "it is impossible to determine the true winner in this race".

I believe that Jack Crumbly was as shocked as the rest of us as to the magnitude and the volume of these wrong doings. There was no evidence presented that Jack Crumbly was guilty of any wrong doing. But our charge was not to find him guilty or innocent, but rather to determine if the election was legitimate. We now know that it was not.

If Jack Crumbly were to resign and call for a new and fair election, I believe the voters would reward him for this honorable and courageous action by electing him to the Senate.

THE ARKANSAS SENATE • STATE CAPITOL • LITTLE ROCK, ARKANSAS 72201 • TELEPHONE (501) 682-6107

Apr. 16 2008 09:42PM P2

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**THE SENATE
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It is a difficult and painful decision for me and my fellow Senators to remove a colleague from office but the charge to us is clear. (Option #2) "If the evidence indicates fraud or irregularities influenced the results of the June 13, 2006 run-off election to the extent that it is impossible to determine the true winner of the Senate race, the committee shall recommend the respondent be expelled from the Senate seat in question and the Senate seat be declared vacant."

After studying all the facts, careful deliberation, and praying for guidance, I must recommend Option #2 to the full Senate.

Respectfully submitted,


Bill Pritchard
Senate District 35