



STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane, Suite 122 South
Little Rock, Arkansas 72201
(501) 682-1834 or (800) 411-6996

MEMORANDUM

TO: Bureau of Legislative Research
FROM: Chris Madison – Attorney
DATE: February 5, 2024
SUBJECT: Rule Promulgation Update

ACT 194 – Reassigns the duty of evaluating ballot titles and popular names on statewide initiatives and referendums called by petition to the Attorney General's Office. (This replaces the process of SBEC review which the Supreme Court invalidated last year.)

The Act requires amendment of the SBEC's *Rules for Practice and Procedure* and removal of language regarding the submission and review of statewide initiatives and referendums.

Notice of the Rule Changes will be published in the Arkansas Democrat Gazette on Friday, February 9, Saturday, February 10, and Sunday, February 11, of 2024. The comment period ends at 4:30 p.m. on March 11, 2024. SBEC will request the rule be placed on the April 2024 meeting, with the Rule taking effect on May 1, 2024.

ACT 295 – This Act made technical revisions and cleaned up the statute governing the SBEC complaint process. This Act also authorizes the SBEC to access ballots in secure storage for investigative purposes. The changes made by this Act implicated the SBEC's *Rules of Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws*.

Notice of the Rule Changes will be published in the Arkansas Democrat Gazette on Friday, February 9, Saturday, February 10, and Sunday, February 11, of 2024. The comment period ends at 4:30 p.m. on March 11, 2024. SBEC will request the rule be placed on the April 2024 meeting, with the Rule taking effect on May 1, 2024.

ACT 329 – This Act Makes the following changes regarding the ballot security:

- Requires the CBEC to report to the county clerk the delivery of ballots, the number of ballots delivered, and the persons who handled the ballots.
- Requires a chain of custody be kept when ballots are transferred.
- Requires that the CBEC keep a record of the name, address, DOB, location cast, and reason for cast for each provisional ballot.
- Requires the CBEC to put a copy of the provisional ballot on file with the county clerk.

- The list and the copies of the provisional ballot envelopes must be delivered within one business day following the election.
- The CBEC shall reconcile the number of ballots distributed and returned.

The existing SBEC *Rules on Poll Watchers, Vote Challenges, and Provisional Voting* will require amendment to accommodate the changes created by this Act.

Notice of the Rule Changes will be published in the Arkansas Democrat Gazette on Friday, February 9, Saturday, February 10, and Sunday, February 11, of 2024. The comment period ends at 4:30 p.m. on March 11, 2024. SBEC will request the rule be placed on the April 2024 meeting, with the Rule taking effect on May 1, 2024.

ACT 350 and Act 743 - These Act, when read together, requires that if a county quorum court votes to conduct a hand-count of ballots in lieu of electronic vote tabulating equipment, then the SBEC will not reimburse the costs of producing the pre-printed ballots.

The changes implemented by the Act will require the SBEC to amend its rule governing reimbursement of state funded elections. The title of the rule to be amended is the *Rules for Reimbursement of Expenses for State-Funded Elections*.

Notice of the Rule Changes will be published in the Arkansas Democrat Gazette on Friday, February 9, Saturday, February 10, and Sunday, February 11, of 2024. The comment period ends at 4:30 p.m. on March 11, 2024. SBEC will request the rule be placed on the April 2024 meeting, with the Rule taking effect on May 1, 2024.

ACT 356 – The Act Establishes a minimum pay for county election commissioners at \$15 an hour for work conducted outside of a meeting up to 40 hours. Allows the county to deny hourly wages if the county and the CBEC agree on an election coordinator to assist the CBEC. Increases the pay per meeting from a minimum of \$25 to a minimum of \$125 per meeting up to 10 meetings per election and \$25 per meeting thereafter.

The changes implemented by the Act will require the SBEC to amend its rule governing reimbursement of state funded elections. The title of the rule to be amended is the *Rules for Reimbursement of Expenses for State-Funded Elections*.

Notice of the Rule Changes will be published in the Arkansas Democrat Gazette on Friday, February 9, Saturday, February 10, and Sunday, February 11, of 2024. The comment period ends at 4:30 p.m. on March 11, 2024. SBEC will request the rule be placed on the April 2024 meeting, with the Rule taking effect on May 1, 2024.

ACT 441 – The Act amended the Arkansas Constitution Amendment 51 § 10 by including “Trade School in the State of Arkansas” as an authorized entity to issue photo identification that qualifies as a document to verify a voter’s registration, when

it contains a photograph of the person and the person's name. This provision required amendment of the SBEC's *Rules for the Verification of Voter Registration*.

Notice of the Rule Changes will be published in the Arkansas Democrat Gazette on Friday, February 9, Saturday, February 10, and Sunday, February 11, of 2024. The comment period ends at 4:30 p.m. on March 11, 2024. SBEC will request the rule be placed on the April 2024 meeting, with the Rule taking effect on May 1, 2024.

ACT 444 – The Act Makes the following changes regarding the poll watchers:

- Requires the SBEC to develop an online training program which must be completed prior to acting as a poll watcher. (Must be developed prior to 2024.)
- Allows political parties to appoint poll watchers for ballot issue elections.
- Lists certain processes to which the poll watcher must be given access.

This Act will require Amendment of the SBEC's *Rules on Poll Watchers, Vote Challenges, and Provisional Voting* to incorporate these new requirements for Poll Watchers.

Notice of the Rule Changes will be published in the Arkansas Democrat Gazette on Friday, February 9, Saturday, February 10, and Sunday, February 11, of 2024. The comment period ends at 4:30 p.m. on March 11, 2024. SBEC will request the rule be placed on the April 2024 meeting, with the Rule taking effect on May 1, 2024.