

04-19-2019 13:50;

INTERIM STUDY PROPOSAL 2019-060

State of Arkansas

92nd General Assembly

Regular Session, 2019

A Bill

SENATE BILL 636

By: Senator M. Johnson

Filed with: Senate Committee on City, County, and Local Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ESTABLISH THE POSITION OF COUNTY ELECTION
COORDINATOR; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE POSITION OF COUNTY
ELECTION COORDINATOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 7, Chapter 4, is amended to add an
additional subchapter to read as follows:

Subchapter 3 – County Election Coordinator

7-4-301. County election coordinator.

(a)(1) Each county judge shall designate a qualified election official
or county clerk as the election coordinator for the county.

(2) A county shall not designate more than one (1) county
election coordinator.

(b) The county election coordinator shall:

(1) Be approved by a majority vote of the county board of
election commissioners;

(2) Serve at the pleasure of and under the supervision of the
county board of election commissioners;

1 (3) Be certified in election administration by the State Board
2 of Election Commissioners; and

3 (4) Receive periodic training from the State Board of Election
4 Commissioners under § 7-4-305.

5 (c)(1) A county shall not be required to hire an additional employee
6 to perform the duties of election coordinator.

7 (2) An employee of an elected county officer shall not be
8 designated as the election coordinator without the express written permission
9 of the elected official for whom he or she is employed.

10 (3)(A) If no other qualified person is available to perform the
11 duties of the county election coordinator, the county may compensate a member
12 of the county board of election commissioners for performing the county
13 election coordinator's duties.

14 (B) Any compensation that a member of a county board of
15 election commissioners may receive for performing the duties of county
16 election coordinator shall be in addition to any compensation the person
17 receives for performing his or her duties as a member of the county board of
18 election commissioners unless the duties of the offices are performed
19 simultaneously.

20 (C) The State Board of Election Commissioners shall
21 reimburse expenses of the member of the county board of election
22 commissioners who performs the duties of the county election coordinator in
23 the same manner as the State Board of Election Commissioners reimburses other
24 election expenses.

25 (d) A county may:

26 (1) Provide the county board of election commissioners with
27 additional staff; and

28 (2) With prior approval from each county employee's supervisor,
29 authorize an existing county employee to assist the election coordinator in
30 the performance of his or her duties.

31 (e) No later than ten (10) days after the county election coordinator
32 is designated, the county board of election commissioners shall provide a
33 written document to the Secretary of State, the State Board of Election
34 Commissioners, and the recognized county political parties that:

35 (1) Is signed by the chair of the county board of election
36 commissioners; and

1 (2) Contains the following information concerning the county
2 election coordinator:

3 (A) Name;

4 (B) Address;

5 (C) Telephone number;

6 (D) Fax number;

7 (E) Email address; and

8 (F) Emergency and after-business-hours contact
9 information.

10
11 7-4-302. Duties of county election coordinator.

12 (a) The county election coordinator shall:

13 (1) Perform all election-related and administrative election
14 duties assigned by the county board of election commissioners;

15 (2) Provide the county board of election commissioners with
16 reports as required by law or requested by the county board of election
17 commissioners; and

18 (3) Perform any other duties required by law.

19 (b)(1) In the absence of a full-time county election coordinator, a
20 designated deputy county clerk may be designated to be responsible for
21 election-related communications, filings, and submissions to the county board
22 of election commissioners.

23 (2) When the county clerk or his or her designated deputy clerk
24 is performing the duties under subdivision (b)(1) of this section, he or she
25 shall immediately transmit any election-related communications, filings, and
26 submissions he or she receives to the chair of the county board of election
27 commissioners, who shall disseminate them to the other members of the county
28 board of election commissioners.

29
30 7-4-303. County election coordinator certification – Training and
31 failure to designate.

32 (a) A person shall not serve as a county election coordinator for the
33 administration of the preferential primary election, general primary
34 election, or general election without prior written certification that he or
35 she has attended and satisfactorily completed the election officer training
36 administered by the State Board of Election Commissioners.

1 (b)(1) Any county that fails to designate a certified county election
2 coordinator under this subchapter by March 1, 2020, shall be subject to
3 sanctions.

4 (2) The State Board of Election Commissioners may waive the
5 certification requirement for good cause if the county board of election
6 commissioners submits a request for waiver that:

7 (A) Explains the reason the county failed to designate a
8 certified county election clerk;

9 (B) Describes the county's efforts to obtain a qualified,
10 certified county election coordinator; and

11 (C) Sets forth a plan for obtaining a certified county
12 election coordinator.

13 (3) The State Board of Election Commissioners shall adopt rules
14 that provide the factors to consider and standard of review when determining
15 good cause under this section.

16 (4) A county that does not designate a certified county election
17 coordinator and does not obtain a waiver shall not:

18 (1) Receive state funds for the administration of
19 elections;

20 (2) Be reimbursed by the state for the cost of a
21 preferential primary election, general primary election, or other state-
22 funded election for which the county did not designate a certified county
23 election coordinator in violation of this subchapter; or

24 (3) Be reimbursed by the state for the cost of the
25 preferential primary election immediately following a general election for
26 which the county did not designate a certified county election coordinator in
27 violation of this subchapter.

28 (c) Each county election coordinator shall attend the election officer
29 training by the State Board of Election Commissioners upon request of the
30 State Board of Election Commissioners.

31
32 7-4-304. Qualifications of county election coordinators.

33 A county election coordinator shall:

34 (1) Be able to read and write in the English language;

35 (2) Not be a paid employee of any political party;

36 (3) Not be a paid employee of a candidate for office;

1 (4) Except for the county clerk, not hold elective office; and

2 (5) Be certified in election administration by the State Board
3 of Election Commissioners under § 7-4-305.

4
5 7-4-305. Certification program.

6 (a)(1) The State Board of Election Commissioners shall establish a
7 certification program designed to train election officials and county
8 election coordinators in election administration.

9 (2) Certificates in election administration under this section
10 shall be issued by the State Board of Election Commissioners to participants
11 who complete a course of training and pass a test created and administered by
12 the State Board of Election Commissioners.

13 (3) The program under this section shall include instruction on
14 all aspects of election administration, approved voting systems, and any
15 other election-related matter prescribed by the State Board of Election
16 Commissioners.

17 (b) Certification and training under this section shall be renewed
18 every two (2) years.

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21 Referred requested by the Arkansas Senate

22 Prepared by: JAW/VJF

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