

DRAFT – MARK UP

**RULES
FOR
POLL WORKER & COUNTY CLERK
TRAINING**

(Effective March 17, 2002; Revised ~~December 29, 2015~~)



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Scope of Rules

These rules will set forth the methods for coordinating training on early voting and election day procedures for poll workers and county clerks in the 75 counties in the state. These rules are in addition to, and not a substitute for, the laws of the State of Arkansas.

§ 200 Definitions

- (a) Election Official – a person who is a member of the county board of election commissioners, a person who performs election coordinator duties, a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff, or a deputy county clerk or a person assigned by a county clerk to conduct early voting.¹
- (b) Polling Site – a location selected by the county board of election commissioners where votes are cast.²
- (c) Poll Worker – an election official designated by the county board of election commissioners to be an election clerk, election judge, or election sheriff at a polling site.
- (d) Precinct – a geographical area the boundaries of which are determined by a county board of election commissioners in order to facilitate voting by the registered voters from that geographical area.
- (e) Primary Election – any election held to select the nominees of a political party for election at any general or special election in this state.³

§ 201 Qualifications of Election Officials Designated as Poll Workers

The qualifications⁴ determined by the General Assembly⁵ of an election official designated by the county board of election commissioners to serve as a poll worker are as follows:

- 1) Must be a qualified elector of this state;
- 2) Must be able to read and write the English language;
- 3) Must be a resident of the precinct permitted to vote at the polling site in which he or she serves at the time of his or her appointment, unless the county board determines unanimously that it is impossible to obtain qualified poll workers from the precinct, in which case, the poll worker shall be a qualified county resident;
- 4) Must not have been found guilty or pled guilty or nolo contendere to the violation of any election law of this state;
- 5) Must not be a paid employee of any political party;
- 6) Must not be a paid employee of any person running for any office on the county's ballot;

¹ A.C.A. § 7-1-101 as amended by Act 1042 of 2015

² A.C.A. § 7-1-101

³ A.C.A. § 7-1-101

⁴ A.C.A. § 7-4-109

⁵ Art 3, § 10 of the Arkansas Constitution, as amended by Amendment 85

- 7) Must not be a candidate for any office to be filled at an election while serving as a poll worker;
and
- 8) Must not be married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to the service is made to the county board of election commissioners within ten (10) calendar days after the posting of the list of officials;
- ~~8) Must not be the spouse of a member of the county board of election commissioners if objection to the service is made to the county board of election commissioners within ten (10) calendar days after the posting of the list of officials;~~
- 9) And Must not be the chairman or the spouse of a chairman of a county political party if objection to the service is made to the county board of election commissioners within ten (10) calendar days after the posting of the list of officials.

§ 202 Required Training

Each county board of election commissioners shall:

- 1) Designate at least two (2) qualified electors of the county to attend training conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election for the purpose of being certified by the State Board as poll worker trainers for the county. Each designee shall attend either a comprehensive training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election or an advanced training program conducted by the State Board of Election Commissioners after each regular legislative session. Any designee who has not served as a certified poll worker trainer during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program;
- 2) Ensure that all poll workers at each preferential primary election polling site for a regularly scheduled election attended election training conducted locally by State Board-certified trainers and coordinated by the State Board prior to each regularly scheduled preferential primary election;⁶ and
- 3) For all elections following the regularly scheduled primary election. Ensure-ensure that at least one (1) each poll worker at each polling site has attended election training coordinated by the State Board within twelve (12) months prior to the election in which they are serving any regularly scheduled election.⁷

§ 203 Certification and Compensation of Poll Worker Trainers

Upon successful completion of training conducted by the State Board of Election Commissioners:

⁶ A.C.A. §§ 7-4-107(b)(2); 7-4-109(e)(1)

⁷ A.C.A. § 7-4-107(b)(2)(C) as amended by Act 966 of 2019.

- 1) Certification, valid for a period of two (2) years, shall be issued by the State Board to each designated trainee who successfully completes the training program;
- 2) A maximum of two (2) certified trainers per county are eligible to receive \$100 each, plus mileage reimbursement at the rate established for state employees by state travel regulations;
- 3) The two (2) certified trainers per county are eligible to receive an additional \$50 each per training session up to a maximum of two (2) sessions each for conducting poll worker training locally before the preferential primary election; and
- 4) Certified trainers' compensation will be paid by the State Board to the County Treasurer upon receipt of the reporting form approved and provided by the State Board to the county for that purpose.

Certification and compensation of additional county trainers will be considered by the State Board on a case by case basis based upon need and availability of sufficient resources and funding. The compensation of the certified trainers for more than two training sessions will also be considered by the State Board on a case by case basis based upon need and availability of sufficient resources and funding.

Request for additional certified trainers or compensation for additional training sessions in excess of the limitation established in this section must be made in writing and must describe the facts and circumstances that make the additional personnel and funding necessary for the effective training of county trainers.

§ 204 Compensation for Poll Worker Training Attendance

A poll worker who attends training conducted by a State Board-certified poll worker trainer and who works the preferential primary election immediately following the training is eligible to receive a maximum \$25 additional one-time payment.⁸

A county is eligible to receive compensation for poll worker training attendance up to a maximum of six (6) eligible poll workers per precinct per polling site per preferential primary election.

Poll worker compensation will be paid by the State Board to the County Treasurer upon receipt of suitable supporting documentation from the county, as determined by the State Board.

§ 205 Required Training for County Clerks

A county clerk or his or her designee shall:

~~A~~ attend training for poll worker trainers conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election. Each county clerk or designee shall attend either a comprehensive training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election or an advanced

⁸ A.C.A. § 7-4-109(e)(2)

training program conducted by the State Board of Election Commissioners after each regular legislative session.

Advanced training will be made available if the Director of the State Board determines that, based on the amount of changes in law and procedure from the previous election cycle, an advanced training program is appropriate for experienced County Clerks. Advanced trainings are to only be utilized for clerks or designees who are unable to attend the comprehensive training and may be conducted remotely. Advanced trainings may not necessarily include a detailed review of all basic laws and procedures which are unchanged from the previous two election cycles but will address all aspects of the duties of the county clerk's office in conducting an election.

Any county clerk or designee who has not served as an election official during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program.

County clerks or clerk designees who attend training under this section are eligible to receive mileage reimbursement at the rate established for state employees by state travel regulations and are not eligible to receive any additional compensation; and

Any reimbursement will be paid by the State Board to the County Treasurer upon receipt of the reporting form approved and provided by the State Board to the county for that purpose.

§ 206 Noncompliance

The State Board may withhold funding for poll worker and county clerk training attendance from any county that fails to comply with the rules and guidelines developed by the State Board for the administration of poll worker training, until all requirements are met to the satisfaction of the State Board.⁹

§ 207 Training Materials

The State Board of Election Commissioners will provide training materials for local poll worker training to each of the seventy-five (75) counties.

Poll worker training shall be conducted only by State Board-certified trainers. Trainers are required to use using materials provided by the State Board. This requirement includes the presentation of all multi-media provided by the State Board.

Any exception to the requirements of this section must be by prior written request to the State Board with prior written approval by the State Board. Approval by the State Board is not required for materials related to voting system training or supplemental procedures not addressed by materials provided by the State Board.

⁹ A.C.A. § 7-7-201(b)(3)

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1426

5 By: Representative M. Gray
6 By: Senator J. Sturch
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING SERVICE AS A POLL
10 WORKER; TO PREVENT CONFLICTS OF INTEREST IN
11 ELECTIONS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING SERVICE AS A
16 POLL WORKER; AND TO PREVENT CONFLICTS OF
17 INTEREST IN ELECTIONS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 7-5-202(a)(2), concerning service as an
23 election official, deputy county clerk, or additional deputy, is amended to
24 read as follows:

25 (2) A person shall not serve as an election official, ~~deputy~~
26 ~~county clerk, or additional deputy~~ if:

27 (A) The person is ~~married~~;

28 (i) Married to or related within the second degree
29 of consanguinity to a candidate running for office in the election; ~~and~~

30 (ii) The spouse of a member of a county board of
31 election commissioners; or

32 (iii) A county party chairman or his or her spouse;
33 and

34 (B) Another person makes an objection to his or her
35 service to the county board of election commissioners within ten (10)
36 calendar days after posting the list of officials. **APPROVED: 2/28/19**



1 State of Arkansas As Engrossed: H3/28/19 H3/29/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1666

4

5 By: Representative Brown

6 By: Senator T. Garner

7

8

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ELECTION
10 ADMINISTRATION AND PROCEDURES; TO AMEND THE LAW
11 CONCERNING DUAL OFFICE HOLDING; AND FOR OTHER
12 PURPOSES.

13

14

15

Subtitle

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

23

24 SECTION 1. Arkansas Code § 7-4-102(a)(1), concerning the dates for
25 election of county boards of election commissioners, is amended to read as
26 follows:

27 (a)(1)(A) In January of each odd-numbered year following the election
28 of county committee officers, members of the county board of election
29 commissioners shall be elected by their respective county committees.

30 (B) A chair or secretary of a county political party shall
31 not serve as a member of the county board of election commissioners.

32 SECTION 2. Arkansas Code § 7-4-107 is amended to read as follows:

33 7-4-107. Duties of county board of election commissioners —~~Ballot~~
34 ~~boxes — Voting booths — Appointment of election officers.~~

35 (a) ~~The county board of election commissioners shall proceed to~~
36 ~~establish and allocate;~~



1 (1) Ensure compliance with all legal requirements relating to
 2 the conduct of elections;

3 (2) Exercise its duties consistently with the training and
 4 materials provided by the State Board of Election Commissioners;

5 (3) Allocate a sufficient number of secure ballot boxes in each
 6 precinct or if voting is conducted using pre-printed paper ballots for each
 7 polling site. The county board of election commissioners shall appoint based
 8 on the number of votes cast at that polling site in the immediately
 9 preceding:

10 (A) Preferential primary election or general election if
 11 the election for which the secure ballot boxes are prepared is a preferential
 12 primary election or general election; and

13 (B) Special election if the election for which the secure
 14 ballot boxes are prepared is a special election;

15 (4) Allocate sufficient components of a voting system approved
 16 for use under § 7-5-301 for each polling site based on the number of votes
 17 cast at that polling site in the immediately preceding: (A)

18 Preferential primary election or general election if the election for which
 19 the components are prepared is a preferential primary election or general
 20 election; and

21 (B) Special election if the election for which the
 22 components are prepared is a special election; and

23 (5) Appoint the requisite number of election officials at each
 24 site where voters present themselves to vote to ensure that there is a
 25 sufficient number of election officials at each site, based upon the votes in
 26 the immediately preceding comparable election.

27 (b)(1) ~~It shall be the duty of the~~ The county board of election
 28 commissioners ~~to~~ shall select and appoint a sufficient number of election
 29 officials for each polling site as provided by subsection (a) of this section
 30 and to perform the other duties prescribed not less than twenty (20) days
 31 preceding an election.

32 (2)(A) Each polling site shall have a minimum of two (2)
 33 election clerks, one (1) election judge, and one (1) election sheriff. For a
 34 regularly scheduled election, all

35 (B) The election judge shall serve as the poll supervisor.

36 (C)(i) All election officials at a polling site shall have

1 completed training under § 7-4-109, ~~and at least one (1) election official at~~
2 ~~a polling site shall have attended election training coordinated by the State~~
3 ~~Board of Election Commissioners within twelve (12) months prior to the~~
4 ~~election within the twelve (12) months before the election.~~

5 (ii) The minority party election commissioner shall
6 have the option to designate a number of election officials equal to one (1)
7 less than the majority of election officials at each polling site, with a
8 minimum of two (2) election officials at each polling site.

9 (iii) In the event that the county party
10 representatives on the county board of election commissioners fail to agree
11 upon any election official to fill an election post allotted to the
12 respective party twenty (20) days before the election, the county board of
13 election commissioners shall appoint the remaining election officials.

14 ~~(c) The county board of election commissioners shall certify to the~~
15 ~~county court the per diem of election officials and the mileage of the~~
16 ~~election official carrying the returns to the county election commissioners'~~
17 ~~office for allowance.~~

18 ~~(d)~~ The county board of election commissioners may permit election
19 officials to work half-day or split shifts at the polls at any election so
20 long as the requisite number of election officials is always present.

21
22 SECTION 3. Arkansas Code § 7-4-108 is amended to read as follows:

23 7-4-108. Absence of election officials – Filling vacancy.

24 (a) If any election official ~~shall be~~ is absent at the time fixed for
25 the opening of the polls, ~~then the other election officials shall appoint~~
26 ~~some person or persons having the qualifications prescribed by this act for~~
27 ~~election officials to supply the vacancy; and if all of the officials shall~~
28 ~~be absent, then the voters present shall elect as election officials persons~~
29 ~~having the required qualifications. The county board of election~~
30 ~~commissioners shall be notified of any vacancies and substitutions of~~
31 ~~election officials. the election judge shall immediately notify the county~~
32 ~~board of election commissioners of the vacancy.~~

33 (b) If the county board of election commissioners does not timely
34 appoint a new election official, and less than three (3) election officials
35 are present at the opening of the polls, the election judge present shall
36 appoint one (1) or more qualified persons to act as an election official

1 until the county board of election commissioners appoints a new election
2 official.

3 (c)(1) Except as provided in subdivision (c)(2), upon notification of
4 the absent election official, at least one (1) member of the county board of
5 election commissioners shall respond to the polling site and assist with the
6 election until the new election official is appointed.

7 (2) If all three (3) of the members of the county board of
8 election commissioners are assisting at other polling sites and the election
9 judge does not timely appoint a qualified person, the other election
10 officials present at the polling site shall appoint a qualified person to act
11 as an election official until the county board of election commissioners
12 appoints a new election official.

13
14 SECTION 4. Arkansas Code § 7-4-115 is amended to read as follows:

15 7-4-115. Legislative intent.

16 Due to the ~~recent~~ United States Eighth Circuit Court of Appeals ruling
17 in Jones v. Conway County, Arkansas, 143 F.3d 417 (8th Cir. 1998), the status
18 of county election commissioners as either county officials or state
19 officials has become unclear. Because of this lack of clarity, there has been
20 much confusion as to whether or not county election commissioners should have
21 been or currently are immune from suit under the state's policy of tort
22 immunity. It is the intent of the General Assembly to clarify the official
23 status of county election commissioners. Prior to July 30, 1999, county
24 election commissioners were state officials and, as such, were immune from
25 suit pursuant to Arkansas Constitution, Article 5, § 20, and § 19-10-305.
26 Upon July 30, 1999, county election commissioners are hereby deemed to be
27 *county officials and are immune from suit pursuant to § 21-9-301.*

28
29 SECTION 6. Arkansas Code § 7-5-515(a), concerning preparation of
30 voting machines, *is amended* to read as follows:

31 (a) Immediately upon the proper certification of candidates and
32 questions, the county board of election commissioners shall oversee
33 programming of the election, proof the ballots, prepare the voting machines,
34 ~~oversee their programming,~~ and test and adjust the voting machines for the
35 election.

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/s/Brown

APPROVED: 4/12/19