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Agency #108.00

**RULES
FOR
COUNTY ELECTION COMMISSIONERS
TRAINING**

(Effective December 1, 2005; Revised TBD)



State Board of Election Commissioners
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Scope of Rules

These rules will set forth the procedures for training members of the county boards of election commissioners 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.

~~§700~~ 701 Definitions

- (a) County Board of Election Commissioners - the three-member board in each of the 75 counties in this State responsible for conducting all elections within their respective county, including two members elected by the county committee of the majority party and one member elected by the county committee of the minority party or persons appointed by the state chair of either the majority or minority party to fill a vacancy in that party's position.¹
- (b) Candidate – for the purpose of these rules, any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office.²
- (c)(1) 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.³
- (2) Election Official - includes a person who serves as:
- (A) A member of the county board of election commissioners;
- (B) A person who is appointed by the county board of election commissioners to serve as:
- (i) an election coordinator;
- (ii) a person appointed to perform tasks related to the election which require the handling of ballots or other election materials or equipment;
- (iii) an election clerk;
- (iv) an election judge;
- (v) an election sheriff; or
- (vi) an absentee ballot clerk; or
- (C) A person assigned by a county clerk to conduct early voting administered by the county clerk.

¹ A.C.A. § 7-4-102(a)

² A.C.A. § 7-6-201(2)

³ A.C.A. § 7-1-101 as amended by Act 1042 of 2015

(c) ~~Primary Election~~—any election held to select the nominees of a political party for election at any general or special election in this state.⁴

§701 702 Qualifications of a Member of the County Board of Election Commissioners

(a) The qualifications⁵ of a member of the county board of election commissioners as determined by the General Assembly⁶ 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 county in which he or she serves at the time of his or her appointment or election;
- (4) Must not have been found guilty or pled guilty or nolo contendere to the violation of any criminal 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;
- (7) Must not participate in the campaign of any candidate listed on a ballot or of a write-in candidate seeking election in that county that falls under their jurisdiction or authority;
- (8) Must not manage a campaign;
- (9) Must not perform labor for a campaign;
- (10) Must not solicit on behalf of a candidate or campaign;
- (11) Must not pass out handbills, signs, or other literature concerning a candidate's campaign;
- (12) Must not assist a candidate's campaign at a rally or parade;
- (13) Must not display candidate placards or signs on an automobile;
- (14) Must not be employed with a company that has any business dealings, contracts, or pending contracts with the county board of election commissioners at the time of his or her appointment to the county board;
- (15) Must not be a candidate for any office to be filled at an election while serving on the county board, except for appearing on the ballot as a candidate for a position in his or her political party;
- (16) Must not be a chairman or secretary of a county political party;
- (17) 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)~~ seven (7) calendar days after the posting of the list of officials; and
- (18) Must not be the spouse of a chairman of a county political party or the spouse of another county board of election commissioner 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.

(b) If an objection filed against married members of the county election commission the objection can only be filed against one of the two married individuals.

⁴ A.C.A. § 7-1-101

⁵ A.C.A. § 7-4-109 as amended by Act 1253 of 2015

⁶ Art 3, § 10 of the Arkansas Constitution, as amended by Amendment 85

(c) A member of the county board may make a financial contribution to a candidate, attend a political party's state, district, or county meeting where a candidate or issue advocate speaks as a member of the audience, or participate in a political party convention.⁷

§702 703 Required Training

(a) Each member of the county boards of election commissioners 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.

(b) 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 commissioners. Advanced trainings are to only be utilized for commissioners 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 an election commissioner.⁸

(c) Any member of a county board of election commissioners who has not served on the commission 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.

(d) A member of a county board of election commissioners shall attend additional interim training if deemed necessary and appropriate by the State Board.

§704 Examination and Certification of Election Commissioners

(a) Having attended the instructional portion of the training program, the election commissioner shall take an examination of essential skills developed and administered by the State Board of Election Commissioners.

(1) The State Board shall issue a certification to each commissioner who attended the instructional program and demonstrated competency in the skills essential for conducting an election through the examination process.

(2) Certification shall be issued by the State Board to each designated trainee who is certified through the training program.

⁷ A.C.A. § 7-4-109(c)(2)(B)(ii) as amended by Act 1253 of 2015

⁸ A.C.A. § 7-4-109(e)(1)

§703 705 Compensation

- (a) Upon completion of training by the State Board of Election Commissioners, each county election commissioner attending the training is eligible to receive mileage reimbursement at the rate established for state employees by state travel regulations⁹
- (b) Any election commissioner who is trained and certified under this section and who remains in office until the certification of the preferential primary election results shall be eligible to receive ~~\$100~~ \$300 in compensation for attending training.
- (c) If the county political party elects a new commissioner following the preferential primary, the commissioner shall be eligible to receive mileage for additional required trainings only but is not eligible to receive additional compensation.
- (d)
- (1) All compensation and reimbursement paid under this section shall be paid to the County Treasurer and shall include a statement explaining the purpose of the funds and who is entitled to receive the funds under state law.
 - (2) Mileage for training shall be paid upon receipt of the reporting form approved by the State Board and verification that the commissioner was tested.
 - (3) Payment of the \$300 shall be paid upon verification by the Director that the commissioner who attended training remains an election commissioner for the county at the time the preferential primary is certified.

~~All compensation and reimbursement paid under this section shall be paid to the County Treasurer upon receipt from the county of the reporting form approved and provided by the State Board to the county for that purpose.~~

- (e) Attendance by county election coordinators is optional, and compensation for attending training will not be provided by the State Board.

§704 706 Noncompliance

The State Board may withhold funding for county election commissioner training attendance from any county that fails to comply with the rules and guidelines developed by the State Board for the administration of election commissioner training, until all requirements are met to the satisfaction of the State Board.¹⁰

⁹ A.C.A. § 7-4-109(e)(2)

¹⁰ A.C.A. § 7-7-201(b)(3)

§~~705~~ 707 Training Materials

The State Board of Election Commissioners will provide training materials to each county election commissioner attending training.

DRAFT

Stricken language would be deleted from and underlined language would be added to present law.
Act 1051 of the Regular Session

1 State of Arkansas As Engrossed: S4/8/21 S4/15/21 H4/22/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 582

4

5 By: Senators K. Hammer, M. Johnson

6 By: Representatives Ladyman, Barker, Beaty Jr., Beck, Bentley, M. Berry, S. Berry, Boyd, Bragg,

7 Brooks, Brown, Carr, Cavanaugh, Christiansen, Cloud, Coleman, C. Cooper, Cozart, Crawford, Dalby,

8 M. Davis, Eaves, Eubanks, Evans, L. Fite, Gazaway, Gonzales, M. Gray, Haak, Hawks, Hollowell,

9 Lowery, Lundstrum, Maddox, McCollum, McGrew, McNair, S. Meeks, Payton, Penzo, Pilkington,

10 Richmond, Rye, B. Smith, S. Smith, Speaks, Vaught, Warren, Watson, Wing, Wooten

11

12

For An Act To Be Entitled

13

AN ACT TO AMEND ARKANSAS LAW CONCERNING COUNTY BOARDS

14

OF ELECTION COMMISSIONERS; TO AMEND HOW COUNTY BOARDS

15

OF ELECTION COMMISSIONERS TAKE THE OATH; TO AMEND

16

ARKANSAS LAW CONCERNING ELECTIONS; TO AMEND THE LAW

17

CONCERNING POLL WORKERS; AND FOR OTHER PURPOSES.

18

19

20

Subtitle

21

TO AMEND ARKANSAS LAW CONCERNING COUNTY

22

BOARDS OF ELECTION COMMISSIONERS; TO

23

AMEND HOW COUNTY BOARDS OF ELECTION

24

COMMISSIONERS TAKE THE OATH; AND TO AMEND

25

ARKANSAS LAW CONCERNING ELECTIONS.

26

27

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

29

30 SECTION 1. Arkansas Code § 7-4-102(b)(2) and (3), concerning the oath

31 and election of members of county boards of election commissioners, are

32 amended to read as follows:

33

(2)(A) Upon receipt of the notice, the county clerk shall send

34 to each of the county election commissioners, by registered mail, ~~notice to~~

35 ~~appear before the clerk~~ within thirty (30) days of selection as a county

36 election commissioner, a notice to take and subscribe to the oath prescribed



1 by the Arkansas Constitution.

2 (B) A county election commissioner shall take the oath
3 before:

4 (1) A justice or judge of the:

5 (i) Supreme Court;

6 (ii) Court of Appeals;

7 (iii) Circuit court;

8 (iv) District court; or

9 (v) County court;

10 (2) The county clerk;

11 (3) The clerk of the circuit court; or

12 (4) A justice of the peace.

13 (3) The oath shall be filed in the office of the county clerk
14 and the county clerk shall forward a duplicate ~~forwarded~~ to the Secretary of
15 State.

16

17 SECTION 2. Arkansas Code § 7-4-109(e)(1)(C) and (D), concerning the
18 qualifications of state and county commissioners, election officials, poll
19 workers, and certified election monitors, are amended to read as follows:

20 (C) A poll worker; ~~and~~

21 (D) A certified election monitor; and

22 (E) A county election coordinator.

23

24 SECTION 3. Arkansas Code § 7-4-109(e)(2), concerning the
25 qualifications of state and county commissioners, election officials, poll
26 workers, and certified election monitors, is amended to read as follows:

27 (2)(A) The State Board of Election Commissioners shall determine
28 the method and amount of compensation for attending the training.

29 (B) A person required to receive the training shall take
30 and pass an examination of essential skills as determined by the State Board
31 of Election Commissioners to receive compensation.

32 (C) A person who passes an examination under subdivision
33 (e)(2)(B) of this section shall receive a certificate of completion.

34 (D) The State Board of Election Commissioners shall
35 promulgate rules under the Administrative Procedures Act, § 25-15-201 et
36 seq., concerning the training requirements, materials, and examination of

1 essential skills.

2
3 SECTION 4. Arkansas Code § 7-4-109(e), concerning the qualifications
4 of state and county commissioners, election officials, poll workers, and
5 certified election monitors, is amended to add additional subdivisions to
6 read as follows:

7 (4)(A) A county board of election commissioners by a majority
8 vote shall designate a person to attend the required training as a county
9 election coordinator.

10 (B) The State Board of Election Commissioners shall not
11 provide training or compensation for attending training to a county election
12 coordinator if the county election coordinator has not been designated to
13 take the required training by a county board of election commissioners.

14 (5)(A) The State Board of Election Commissioners shall identify
15 at least one (1) person not employed by a county in any capacity each year,
16 who shall receive the same training as a county election coordinator, and who
17 shall receive compensation for attending training.

18 (B) The person identified by the State Board of Election
19 Commissioners may be a state employee being cross-trained, or a person who is
20 not a state employee that the State Board of Election Commissioners considers
21 qualified to become an acting county election coordinator as a special
22 employee of the State Board of Election Commissioners.

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

27 (2) A person shall not serve as an election official if:

28 (A) The person is:

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

31 (ii) The spouse of a member of a county board of
32 election commissioners, except the spouse of a member of a county board of
33 election commissioners may work as a poll worker if no objection is made to
34 his or her service as a poll worker to the county board of election
35 commissioners within ten (10) calendar days after posting the list of
36 officials; or

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(iii) A county party chair or his or her spouse, except the county party chair or his or her spouse may work as a poll worker if no objection is made to his or her service to the county board of election commissioners within ten (10) calendar days after posting the list of officials; and

(B) Another person makes an objection to his or her service to the county board of election commissioners within ten (10) calendar days after posting the list of officials.

/s/K. Hammer

APPROVED: 4/29/21