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Agency #108.00

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

(Effective: March 17, 2002; Revised: _____)



State Board of Election Commissioners
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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~~ 201 Definitions

(a) Advanced Poll Worker Training – the curriculum developed and approved by the State Board of Election Commissioners which poll judges and poll sheriffs are required to complete.

(b) Basic Poll Worker Training – the curriculum developed and approved by the State Board of Election Commissioners which all poll workers are required to complete.

~~(a)~~(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.¹

(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.

~~(b)~~(d) Polling Site – a location selected by the county board of election commissioners where votes are cast.²

~~(e)~~(e) 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 or an election official

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

² A.C.A. § 7-1-101

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designated by the County Clerk to be an election clerk, election judge, or election sheriff at an early voting location.

~~(d)~~ (f) 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~~ 202 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:

- (a) Must be a qualified elector of this state;
- (b) Must be able to read and write the English language;
- (c) Must be a resident of a 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;
- (d) Must not have been found guilty or pled guilty or nolo contendere to the violation of any criminal election law of this state;
- (e) Must not be a paid employee of any political party;
- (f) Must not be a paid employee of any person running for any office on the county's ballot;
- (h) Must not be a candidate for any office to be filled at an election while serving as a poll worker;
- (i) 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;
- (j) 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; and
- (k) 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.

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

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§ ~~202~~ 203 Required Training for Certified Poll Worker Trainers

Each county board of election commissioners shall:

- (a) 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; and
- (b) 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
 - (1) All poll workers appointed by the county election commission are required to receive the basic poll worker training curriculum approved by the State Board of Election Commissioners.
 - (2) At least two poll workers at each polling location are required to receive the advanced poll worker training curriculum approved by the State Board of Election Commissioners.
 - (3) The County Election commission may elect to administer the full training curriculum to all poll workers in the county.
- (c) For all elections following the regularly scheduled preferential primary election, county boards of election commissioners shall ensure that each poll worker has attended election training coordinated by the State Board within twelve (12) months prior to the election in which they are serving.⁷

§ ~~203~~ 204 Certification and Compensation of Poll Worker Trainers

- (a) Upon successful completion of training conducted by the State Board of Election Commissioners:
 - (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;

⁶ A.C.A. §7-4-109(e)(1)

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

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- (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)~~ four (4) 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.

(b) 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.

(c) 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.

§ 205 Examination of Poll Worker Trainers

(a) In order to complete this training program, the person designated as a poll worker trainer shall complete an examination of essential skills developed and administered by the State Board of Election Commissioners.

(b) A person who fails to obtain a passing score on this examination shall not:

- (1) Be certified as a county poll worker trainer; or
- (2) Receive compensation for attending the certified poll worker training.

(c) The State Board of Election Commissioners shall issue a certification to each poll worker trainer designee who attended poll worker training and demonstrated competency in the skills essential for conducting an election through the examination process.

(d) A poll worker trainer designee may take the examination up to three times.

§ 206 Examination of Poll Workers

(a) Each poll worker trained pursuant to this rule shall complete an examination of essential skills developed by the State Board of Election Commissioners and administered by a certified poll worker trainer for the county.

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(1) The county board of election commissioners shall issue a certification to each poll worker who attended poll worker training and demonstrated competency in the skills essential for conducting an election through the examination process.

(A) Poll Workers shall take the examination corresponding with the level of training completed by the poll worker.

(B) A poll worker may take the examination up to three times prior to an election in which the poll worker has been appointed to serve.

(2) The certification shall include the date the certification is issued and the date one year from issuance upon which the certification expires.

(b) The certified poll worker trainers for the county shall certify to the Director under penalty of perjury the following information regarding poll worker training they conduct:

(1) The name of each poll worker certified;

(2) The date the poll worker was certified;

(3) The poll worker's score on the examination of essential skills;

(4) The name of the certified poll worker trainer(s) administering the training and examination to the poll worker;

(5) The number of election day and CBEC administered early voting polling sites in the county; and

(6) Whether the poll worker was appointed by the County Board of Election Commissioners or the County Clerk.

§ ~~204~~ 207 Compensation for Poll Worker Training Attendance

(a) A certified poll worker who attends the basic poll worker training curriculum ~~training~~ ~~conducted~~ administered 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~~ \$35 ~~additional~~ one-time payment for attending training.⁸

(b) A certified poll worker who attends the advanced poll worker training curriculum administered 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 \$55 one-time payment for attending training.⁹

(c) A county is eligible to receive compensation for poll workers attending the basic poll worker training up to a maximum of ~~six (6)~~ ten (10) eligible poll workers ~~per precinct~~ per polling site per preferential primary election.

⁸ A.C.A. § 7-4-109(e)(2)

⁹ A.C.A. § 7-4-109(e)(2)

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- (d) A county is eligible to receive compensation for poll workers attending advanced poll worker training up to a maximum of two (2) eligible poll workers per polling site per preferential primary election.
- (e) Poll worker compensation will be paid by the State Board to the County Treasurer upon receipt of the information certified to the Director under §205(b). ~~suitable supporting documentation from the county, as determined by the State Board.~~
- (f) Under A.C.A. §7-4-109(e)(2)(B), an election official who does not pass an examination of essential skills is not eligible for compensation for attending an SBEC coordinated training.

§ ~~205~~ 208 Required Training for County Clerks

- (a) A county clerk or his or her designee shall 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 training program conducted by the State Board of Election Commissioners.
- (b)(1) 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 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.
- (2) 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.
- (c) A county clerk or a county clerk's designee may train any poll worker appointed by the county clerk to conduct clerk administered early voting; however, a county clerk or a county clerk's designee may not train election officials appointed by the CBEC unless they or a county clerk's designee is designated as a certified poll worker trainer by the CBEC.
- (d) A county clerk or his or her designee shall be administered the same examination as the county's certified poll worker trainers. In the event a county clerk has sent a designee to this training, the Director shall notify the Clerk if the designee fails to demonstrate competency in the skills essential for conducting an election through the examination process.

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- (e) 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
- (f) 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.

§ 209 Required Training for Poll Workers in Clerk Administered Early Voting

- (a) The county clerk shall ensure poll workers selected by the county clerk to conduct early voting have been trained by a person authorized to conduct poll worker training pursuant to this rule.
- (b) The examination of poll workers appointed by the county clerk to conduct early voting administered by the county clerk shall be conducted pursuant to §206.
- (c) Poll Workers appointed by the county clerk to conduct early voting administered by the county clerk are eligible for compensation pursuant to the requirements of §207.
- (d) An election official who is appointed by the county clerk and the county board of election commissioners may not receive more than one compensation payment for attending training under this rule.
- (e) The county clerk, with the consent of the county board of election commissioners, may:
 - (1) Allow the certified poll worker trainers appointed by the county board of election commissioners to train the county clerk's early voting election staff; and
 - (2) Designate a certified poll worker trainer appointed by the county board of election commissioners as the county clerk's designee under A.C.A. 7-4-109(e)(1)(B).
- (f) For all elections following the regularly scheduled preferential primary election, the county clerk shall ensure that each poll worker appointed by the clerk has attended election training coordinated by the State Board within twelve (12) months prior to the election in which they are serving.¹⁰

§ 206 210 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.¹¹

¹⁰ A.C.A. § 7-4-107(b)(2)(C) as amended by Act 966 of 2019.

¹¹ A.C.A. § 7-7-201(b)(3)

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§ ~~207~~ 211 Training Materials

- (a) The State Board of Election Commissioners will provide training materials for local poll worker training to each of the seventy-five (75) counties.
- (b) Poll worker training shall be conducted only by State Board-certified trainers. Trainers are required to use materials provided by the State Board. This requirement includes the presentation of all multi-media provided by the State Board.
- (c) 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.

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