

DRAFT – NEW RULE

Agency #108.00

**RULES  
FOR  
COUNTY ELECTION COORDINATOR  
TRAINING**

(Effective TBD )



State Board of Election Commissioners  
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LEGISLATIVE RESEARCH

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## Scope of Rules

These rules will set forth the procedures for training the county election coordinators 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.

### §1301 Definitions

- (a) 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.<sup>1</sup>
- (b) 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.<sup>2</sup>
- (c) Election Coordinator – the person appointed by majority vote of the county election commission to receive election coordinator training under this rule and to whom tasks can be delegated or assigned by the county election commissioners.
- (d)(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.
- (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

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<sup>1</sup> A.C.A. § 7-6-201(2)

<sup>2</sup> A.C.A. § 7-4-102(a)

(C) A person assigned by a county clerk to conduct early voting administered by the county clerk.

### **§1302 Eligibility of an Election Coordinator**

- (a) An election coordinator is defined by state law as an election official.<sup>3</sup>
- (b) The General Assembly has defined the minimum standards for eligibility to serve as an election official as follows:
- (1) Must be a qualified elector of this state;
  - (2) Must be able to read and write the English language;
  - (3) Must not have been found guilty or pled guilty or nolo contendere to the violation of any criminal election law of this state;
  - (4) Must not be a paid employee of any political party;
  - (5) Must not be a paid employee of any person running for any office on the county's ballot;
  - (6) 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;<sup>4</sup>
  - (7) 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 within seven (7) calendar days after the posting of the list of officials for a particular election; and
  - (8) Must not be the spouse of a chairman of a county political party or the spouse of a member of the county board of election commissioner if objection to the service is made within ten (10) calendar days after the posting of the list of officials.<sup>5</sup>
- (c) The county board of election commissioners may choose any person meeting these qualifiers and who is willing to serve in this role including but not limited to:
- (1) An employee of the county;
  - (2) A member of the county board of election commissioners;
  - (3) A county clerk;
  - (4) A deputy clerk or employee of the county clerk; or
  - (5) Another eligible person willing to serve as an election coordinator.
- (d)
- (1) In the event that the person considered for appointment as an election coordinator is an employee hired and supervised by an elected county official, the elected county official shall agree that the county board of election commission shall be the sole entity

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<sup>3</sup> A.C.A. § 7-1-101(11)

<sup>4</sup> A.C.A. § 7-4-109

<sup>5</sup> A.C.A. § 7-5-202(a)(2)

instructing the employee regarding the fulfillment of election related duties prior to the coordinator's appointment.

- (2) In the event an eligible election coordinator cannot be identified, the county election commissioner shall designate a member of the county election commission to attend election coordinator training.

### **§1303 Appointment of the County's Election Coordinator**

- (a) The county board of election commissioners shall appoint one person meeting the requirements of §1302 to serve as the county's election coordinator.<sup>6</sup>
  - (1) The county board of election commissioners shall appoint an election coordinator no later than September 1<sup>st</sup> of the year preceding the year in which the Preferential Primary is held.
  - (2) The county board of election commissioners shall certify the person appointed to serve as the coordinator to the State Board of Election Commissioners in writing no later than October 1<sup>st</sup> of the year preceding the year in which the Preferential Primary is held.
  - (3) In the event that an election coordinator's office becomes vacant:
    - (A) The county board of election commissioners shall notify the State Board of Election Commissioners when a vacancy occurs;
    - (B) The county board of election commissioners shall appoint a new election coordinator within 30 days of the vacancy; and
    - (C) The county board of election commissioners shall certify the person appointed to fill the vacancy of election coordinator to the State Board of Election Commissioners within 45 days of the vacancy.
  - (4) The county may request in writing to appoint a second qualifying individual to receive election coordinator training for the county.
    - (A) The Director may permit additional person appointed by the county board of election commissioner to attend the training program if space permits.
    - (B) Additional persons appointed by the county board of election commissioner to attend the training program who complete the program may be appointed to replace the election coordinator, if a need arises, without additional training.

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<sup>6</sup> A.C.A. § 7-4-109(e)(4)

- (C) If approved by the Director, any additional persons attending county election coordinator training are not eligible for mileage or compensation from the State Board of Election Commissioners.

### **§1304 Required Training**

- (a) The person appointed as an election coordinator for each county shall attend the instructional portion of the training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election.
- (b)
  - (1) In the event that the county board of election commissioners appoints an election coordinator after the preferential primary, the newly appointed coordinator shall attend a special training session within 160 days of being appointed.
  - (2) The director shall ensure a special training is made available for any coordinator appointed more than thirty (30) days prior to the next election date established under A.C.A. §7-11-205.

### **§1305 Examination and Certification of Election Coordinators**

- (a) Having attend the instructional portion of the training program the election coordinator 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 coordinator 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 though the training program.

### **§1306 Compensation**

- (a) Upon completion of the instructional component of the training conducted by the State Board of Election Commissioners, the one person appointed to attend election coordinator training is eligible to receive a reimbursement for mileage at the rate established for state employees by state travel regulations<sup>7</sup>

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<sup>7</sup> A.C.A. § 7-4-109(e)(2)

- (b) The one person appointed to attend election coordinator training, who is certified under this rule, and who serves as an election official through the certification of the preferential primary election results shall be eligible to receive \$500 in compensation for attending training.
- (c) If the county board of election commissioners appoints a new election coordinator following the preferential primary, the coordinator shall be eligible to receive mileage for required training 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 coordinator was certified.
  - (3) Payment of the \$500 shall be paid upon verification by the Director that the coordinator who attended training remains an election coordinator for the county at the time the preferential primary is certified.

### **§1307 Noncompliance**

The State Board may withhold funding for county coordinator 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.<sup>8</sup>

### **§1308 Training Materials**

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

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<sup>8</sup> A.C.A. § 7-7-201(b)(3)

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.*

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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:

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

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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

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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**