



STATE BOARD OF ELECTION COMMISSIONERS

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MEMORANDUM

TO: Bureau of Legislative Research
FROM: Daniel Shults, SBEC Director
DATE: February 28, 2022
SUBJECT: Rule Promulgation Update

ACT 1051 – This Act adds a new requirement that all election officials who are trained, either directly by the SBEC or by county trainers certified by the SBEC, must pass an examination of essential skills. The election officials' compensation is contingent upon passing this examination. The Act also creates a new type of SBEC training for election coordinators. The Act provides that the State Board of Election Commissioners shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., concerning the training requirements, materials, and examination of essential skills.

The Act requires the SBEC to create a new rule governing the training of election coordinators. The proposed title for this rule is the *Rules for County Election Coordinator Training*.

The staff's revised draft of this new rule has been reviewed by the SBEC in a public meeting and approved for promulgation. The Governor has authorized further promulgation of these rules and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved draft were made. The rule will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.

The Act also requires the SBEC to amend its existing rules governing the training of county board of election commissioners and certified poll worker trainers. The titles of these rules are the *Rules for County Election Commissioner Training* and *Rules for Poll Workers & County Clerk Training*.

The staff's revised drafts of the proposed amendments to these rules have been reviewed by the SBEC in a public meeting and approved for promulgation. The Governor has authorized further promulgation of these rules and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved drafts were made. The rules will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.

ACT 249 – This Act modifies the constitutional requirements related to the process of verifying your voter registration with a Photo ID by eliminating an alternative procedure that allowed a voter to vote provisionally and have their ballot counted by signing an affirmation but without showing a Photo ID. The changes implemented by the Act required the SBEC to amend its existing rules governing the implementation of the photo ID law and provisional voting.

The amendments to the *Rules on Poll Watchers, Vote Challenges, and Provisional Voting* amendments have been reviewed by the SBEC and approved for promulgation. The Governor has authorized further promulgation of this rule and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved draft were made. The rule will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.

The amendments to the *Rules for the Verification of Voter Registration* have been reviewed by the SBEC in a public meeting and approved for promulgation. The Governor has authorized further promulgation of this rule and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved draft were made. The rule will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.

ACT 756 – This Act modifies the SBEC’s process for filing citizen complaints regarding a violation of election or voter registration law by expanding the time to file, expanding the SBEC’s jurisdiction, and by implementing a new resolution entitled “institute corrective actions.”

The existing rule governing these complaints must be adjusted to accommodate the requirements of this Act. The title of the existing rule which requires an amendment is the *Rules of Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws*.

The staff’s revised draft of this amendment has been reviewed by the SBEC in a public meeting and approved for promulgation. The Governor has authorized further promulgation of this rule and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved draft were made. The rule will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.

ACT 974 – This Act modifies the SBEC’s process for filing citizen complaints regarding a violation of election or voter registration law by creating two new resolutions to a complaint including decertification of a local election official and “taking over” a county’s election.

The existing rule governing these complaints must be adjusted to accommodate the requirements of this Act. The title of the existing rule which requires an amendment is the *Rules of Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws*.

The staff’s revised draft of this amendment has been reviewed by the SBEC in a public meeting and approved for promulgation. The Governor has authorized further promulgation of this rule and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved draft were made. The rule will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.

ACT 727 – This Act provides that the activities of a poll watcher are subject to “reasonable restrictions prescribed by the SBEC.” Restrictions of this kind will meet the definition of a Rule under the APA.

The changes implemented by the Act requires the SBEC to amend its rule governing poll watchers. The title of the rule to be amended is the *Rules on Poll Watchers, Vote Challenges, and Provisional Voting*.

The staff’s revised draft of this amendment has been reviewed by the SBEC in a public meeting and approved for promulgation. The governor has authorized further promulgation of this rule and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved draft were made. The rule will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.

ACT 1063 – The Act establishes an appeal process for the reduction in the number of polls in the county. Under this process, if the county reduces the total number of polls in the county for a primary or general election, a voter in the county can appeal that action to the SBEC.

The changes implemented by the Act requires the SBEC to amend its rule by adding provisions governing this appeals process to the rule establishing the procedures of the operation of the SBEC. This rule is titled the *Rules of Practice and Procedure*.

The staff's proposed draft of this rule has been reviewed by the SBEC in a public meeting and approved for promulgation. The Governor has authorized further promulgation of this rule and the notice of promulgation appeared for three consecutive days in the Arkansas Democrat Gazette beginning on Jan. 23, 2022. The 30-day comment period ended on February 22, 2022. No comments were received and no modifications to the approved draft were made. The rule will be reviewed by the Administrative Rules Subcommittee on April 20, 2022.