

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 1158

4
5 By: Senator Baker
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7

For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS LAWS CONCERNING THE STATE
10 BOARD OF ELECTION COMMISSIONERS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO AMEND VARIOUS LAWS CONCERNING
15 THE STATE BOARD OF ELECTION
16 COMMISSIONERS.
17
18

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

21 SECTION 1. Arkansas Code § 7-4-101(f), concerning the authority of the
22 State Board of Election Commissioners, is amended to read as follows:

23 (f) The board shall have the authority to:

24 (1) Publish a candidate's election handbook, in conjunction with
25 the office of the Secretary of State and the Arkansas Ethics Commission,
26 which outlines in a readable and understandable format the legal obligations
27 of a candidate and any other suggestions that might be helpful to a candidate
28 in complying with state election law;

29 (2) Conduct statewide training for election officials and county
30 election commissioners;

31 (3) Adopt all necessary rules and regulations regarding training
32 referred to in subdivision (f)(2) of this section and develop procedures for
33 monitoring attendance;

34 (4) Monitor all election law-related legislation;

35 (5) Formulate, adopt, and promulgate all necessary rules and
36 regulations to assure even and consistent application of voter registration



1 laws and fair and orderly election procedures;

2 (6)(A) Appoint certified election monitors to any county upon a
3 signed, written request under oath filed with the board and a determination
4 by the board that appointing a monitor is necessary.

5 (B) Certified election monitors shall serve as observers
6 for the purpose of reporting to the board on the conduct of the election.

7 (C) The board may allow for reasonable compensation for
8 election monitors;

9 (7) Assist the county board of election commissioners in the
10 performance of the administrative duties of the election process if the board
11 determines that assistance is necessary and appropriate;

12 (8)(A) Formulate, adopt, and promulgate all necessary rules and
13 regulations to establish uniform and nondiscriminatory administrative
14 complaint procedures consistent with the requirements of Title IV of the
15 federal Help America Vote Act.

16 (B) The cost of compliance with Title IV of the federal
17 Help America Vote Act shall be paid from the fund established to comply with
18 the federal Help America Vote Act; ~~and~~

19 (9) Investigate alleged violations, render findings, and impose
20 disciplinary action according to § 7-4-118 for violations of election and
21 voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), and
22 except for any matters relating to campaign finance and disclosure laws which
23 the Arkansas Ethics Commission shall have the power and authority to enforce
24 according to §§ 7-6-217 and 7-6-218;

25 (10) Examine and approve in accordance with § 7-5-503 and § 7-5-
26 606 the types of voting machines used in any election;

27 (11) Administer reimbursement of election expenses to counties
28 in accordance with § 7-7-201(a) for primary elections, statewide special
29 elections, and nonpartisan judicial general elections;

30 (12) Appoint third members to county boards of election
31 commissioners in accordance with § 7-4-102(b); and

32 (13) Certify candidate names and titles in accordance with § 7-
33 7-305(c).

34
35 SECTION 2. Arkansas Code § 7-4-107 is amended to read as follows:
36 7-4-107. Duties of county board of election commissioners - Ballot

1 boxes - Voting booths - Appointment of election officers.

2 (a) The county board of election commissioners shall proceed to
3 establish and allocate a sufficient number of ballot boxes in each precinct
4 or polling site ~~not using voting machines~~. The county board shall appoint the
5 requisite number of election officials at each ~~ballot box~~ site where voters
6 present themselves to vote to ensure that, based upon the votes in the
7 immediately preceding comparable election, there is a sufficient number of
8 election officials at each ~~ballot box~~ site.

9 (b)(1)(A) It shall be the duty of the county board to select and
10 appoint a sufficient number of election officials for each polling site as
11 provided by subsection (a) of this section and to perform the other duties
12 prescribed not fewer than twenty (20) days preceding an election.

13 (B) Each polling site shall have a minimum of two (2)
14 election clerks, one (1) election judge, and one (1) election sheriff.
15 ~~Beginning with the~~ For all regularly scheduled ~~preferential primary election~~
16 ~~in 2002~~ elections, at least one (1) election official at each polling site
17 shall have attended election training coordinated by the State Board of
18 Election Commissioners within twelve (12) months prior to the election. The
19 minority party election commissioner shall have the option to designate a
20 number of election officials equal to one (1) fewer than the majority of
21 election officials at each polling site, with a minimum of two (2) election
22 officials at each polling site. In the event that the county party
23 representatives on the county board fail to agree upon any election official
24 to fill any election post allotted to the respective party twenty (20) days
25 before the election, then, and in that event, the county board shall appoint
26 the remaining election officials.

27 (2) Within fifteen (15) days prior to the election, the county
28 board shall prepare, ~~publish,~~ and post in a public place in the ~~county~~
29 ~~sheriff's office and in the~~ county clerk's office of each county their lists
30 of appointees of election officials.

31 (3)(A) On the day of a general, special, or runoff election, the
32 election sheriff shall post a double-sided sign that is at least two feet by
33 two feet (2' x 2') in size near each main driveway entrance to the polling
34 site on each public street bordering the polling site.

35 (B) Each sign shall:

36 (i) State "VOTE HERE" at each polling site;

- 1 (ii) Contain an arrow pointing to the polling site;
 2 (iii) Be placed as close as possible to the public
 3 street without obstructing traffic; and
 4 (iv) Be visible to all traffic approaching the
 5 polling site.

6 (c) The county board shall certify to the county court the per diem of
 7 election officials and the mileage of the election official carrying the
 8 returns to the county election commissioners' office for allowance.

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

12 (e) Fifteen (15) days following any regularly scheduled preferential
 13 primary, general, or statewide special election, each county election
 14 commissioner shall file an affidavit with the State Board of Election
 15 Commissioners in a form approved by the State Board of Election Commissioners
 16 to the effect that all duties and responsibilities of the county election
 17 commissioner have been complied with.

18
 19 SECTION 3. Arkansas Code § 7-4-109 is amended to read as follows:

20 7-4-109. Qualifications of state and county commissioners and other
 21 election officials.

22 (a)(1) The members of the State Board of Election Commissioners, the
 23 members of each county board of election commissioners, and election
 24 officials shall be qualified electors of this state, able to read and write
 25 the English language, and shall not have been found guilty or pled guilty or
 26 nolo contendere to the violation of any election law of this state.

27 (2) No ~~member of a county board~~ election official, as defined in
 28 § 7-1-101, shall be a candidate for any office to be filled at any election
 29 while serving ~~on the county board~~ as an election official.

30 (3) A member of the county board of election commissioners shall
 31 not be disqualified from serving as a member of the county board by the
 32 appearance on the ballot as a candidate for a position in his or her
 33 political party.

34 (b) Furthermore, all members of each county board shall be residents
 35 of the county in which they serve at the time of their appointment or
 36 election. All election officials shall be residents of the precincts in

1 which they serve at the time of their appointment. However, if at the time
 2 of posting election officials, the county board by unanimous vote shall find
 3 that it is impossible to obtain qualified election officials from any
 4 precinct or precincts and shall make certification of that finding to the
 5 county clerk, then other qualified citizens of the county may be designated
 6 to serve in the precinct or precincts.

7 (c) No person who is a paid employee of any political party or of any
 8 person running for any office shall be eligible to be a member of a county
 9 board or an election official.

10 ~~(d) No member of a county board shall be a candidate for any office to~~
 11 ~~be filled at any general election while serving on the county board.~~

12 ~~(e)~~(d) No person may serve as an election official if married to or
 13 related within the second degree of consanguinity to any candidate running
 14 for office in the current election if objection to his or her service is made
 15 to the county board within ten (10) calendar days after ~~the~~ posting ~~or~~
 16 ~~publishing~~ of the list of officials.

17 ~~(f)~~(e)(1) Prior to the regularly scheduled preferential primary
 18 election ~~in 2002~~, each member of the county board of election commissioners
 19 for each county ~~shall designate~~ and at least two (2) election officials per
 20 polling site ~~to~~ designated by the county board for each county shall attend
 21 election training coordinated by the state board.

22 (2) The state board shall determine the method and amount of
 23 compensation for attending the training.

24
 25 SECTION 4. Arkansas Code § 7-5-311 is amended to read as follows:

26 7-5-311. ~~Disabled voters~~ Voters with disabilities - Special procedures.

27 (a) The county boards of election commissioners with respect to
 28 general, special, and primary elections under their several jurisdictions
 29 shall provide voting locations which are accessible to ~~disabled~~ voters with
 30 disabilities and shall provide reasonable and adequate methods whereby
 31 ~~disabled~~ voters with disabilities may personally and secretly execute their
 32 ballots at the polling places.

33 (b) The State Board of Election Commissioners, after conferring with
 34 and obtaining the assistance of ~~disabled~~ persons with disabilities or
 35 organizations of ~~disabled~~ citizens with disabilities, shall ~~promulgate rules~~
 36 ~~and regulations for special procedures to be followed by election officials~~

1 ~~at voting precincts that will assist in accommodating voting by disabled~~
 2 ~~voters. The regulations shall include, but are not limited to, the~~
 3 ~~promulgation of the form of a special ballot, which reasonably complies with~~
 4 ~~the form of the paper ballot now provided by law, to be used by visually~~
 5 ~~impaired or disabled voters in executing their ballot. Such special ballots~~
 6 ~~may be used at voting places in lawful elections in this state in lieu of~~
 7 ~~voting by voting machine, electronic voting device, or the regular paper~~
 8 ~~ballot, when requested by the disabled person, if suitable accommodations are~~
 9 ~~not provided whereby voters may cast their votes in secret except by the use~~
 10 ~~of the special ballot~~ offer to assist local election authorities with the
 11 implementation of Title II requirements of the Americans with Disabilities
 12 Act and with the Title III requirements of the Help America Vote Act
 13 regarding accessibility for voters with disabilities.

14 ~~(e) All rules, regulations, and procedures authorized by the state~~
 15 ~~board to enable disabled persons to vote shall be designed to permit the~~
 16 ~~voter to personally and secretly execute his or her ballot without the~~
 17 ~~assistance of another person unless assistance is requested by the disabled~~
 18 ~~voter.~~

19 ~~(d)(c) As used in this section, the term "disabled voter" "disability"~~
 20 ~~shall mean the visually impaired and persons with physical or mental~~
 21 ~~disabilities, but who are legally competent to vote in lawful elections in~~
 22 ~~this state~~ means any physical, mental, or sensory impairment.

23 ~~(e)(d)(1) The county board shall be responsible for compliance with~~
 24 ~~this section and with Pub. L. 98-435, and Title II of Pub. L. 101-336, and~~
 25 ~~the Americans with Disabilities Act and the Help America Vote Act, regarding~~
 26 ~~the accessibility of voting locations for disabled voters~~ with disabilities.

27 ~~(2)(A) The Secretary of State~~ State Board of Election
 28 Commissioners shall provide the chairman of each county board and the
 29 chairman of each county political party a copy of this section and of Pub. L.
 30 98-435.

31 ~~(B) The Secretary of State~~ State Board of Election
 32 Commissioners shall send the copies by certified mail.

33
 34 SECTION 5. Arkansas Code § 7-5-414 is amended to read as follows:

35 7-5-414. Appointment of special election officials - Qualifications -
 36 Compensation.

1 (a) The county board of election commissioners shall appoint election
2 officials to count and canvass the absentee voters' ballots in all elections.

3 (b) The election officials who are to canvass the absentee ballots
4 shall be appointed in the same manner and at the same time the election
5 officials are selected to serve at the regular voting precincts. The
6 election officials shall possess the same qualifications, and have the same
7 powers and duties, ~~and receive the same compensation~~ as the election
8 officials who serve at the regular voting precincts.

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