

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/16/09 S3/30/09

A Bill

HOUSE BILL 1485

5 By: Representatives Saunders, Barnett, T. Bradford, J. Brown, Cheatham, Cole, L. Cowling, J. Edwards,
6 Flowers, Hall, Harrelson, Hoyt, Shelby, Slinkard, G. Smith, L. Smith, Summers, Tyler, Webb

7 By: *Senator Faris*
8
9

For An Act To Be Entitled

11 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE
12 POWERS AND DUTIES OF ELECTION OFFICIALS AND
13 ELECTION OFFICERS; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND ARKANSAS LAW CONCERNING
16 THE POWERS AND DUTIES OF ELECTION
17 OFFICIALS AND ELECTION OFFICERS.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 7-1-101 is amended to read as follows:
24 7-1-101. Definitions.

25 As used in this title, ~~unless the context or chapter otherwise~~
26 ~~requires:~~

27 (1) "Administrator" means the administrative head of a long-term care
28 or residential care facility licensed by the state who is authorized in
29 writing by a patient of the long-term care or residential care facility to
30 deliver the application for an absentee ballot and to obtain or deliver the
31 absentee ballot to the county clerk;

32 (2) "Audit log" means an electronically stored record of events and
33 ballot images from which election officials may produce a permanent paper
34 record with a manual audit capacity for a voting system using voting
35 machines;

36 (3) "Authorized agent" means a person who is identified and authorized



1 to deliver the application, obtain a ballot, and deliver the ballot on the
2 day of the election to the county clerk by an applicant who is medically
3 unable to cast a ballot at a polling site due to unforeseen medical necessity
4 as set forth in an affidavit from the administrative head of a hospital or
5 long-term or residential care facility;

6 (4) "Canvassing" means examining and counting the returns of votes
7 cast at a public election to determine authenticity;

8 (5) "Constitutional officers of this state" means the offices of the
9 Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor
10 of State, Treasurer of State, and Commissioner of State Lands;

11 (6) "Counting location" means a location selected by the county board
12 of election commissioners with respect to all elections for the automatic
13 processing or counting, or both, of votes;

14 (7) "Designated bearer" means any person who is identified and
15 authorized by the applicant to obtain from the county clerk or to deliver to
16 the county clerk the applicant's ballot;

17 (8) "Election official" or "election officer" means ~~a person who is a~~
18 ~~member of the county board of election commissioners or a person who is a~~
19 ~~poll worker designated by a county board of election commissioners to be an~~
20 ~~election clerk, election judge, or election sheriff~~ the Secretary of State,
21 the members of the State Board of Election Commissioners, the county clerk,
22 the members of each county board of election commissioners, the county
23 election coordinator, and poll workers;

24 (9) "Electronic vote tabulating device" means a device used to
25 electronically scan a marked paper ballot for the purpose of tabulation;

26 (10) "Fail-safe voting" means the mechanism established under the
27 National Voter Registration Act of 1993 that allows ~~voters who have~~ a voter
28 who has moved within the same county to vote at ~~their~~ his or her new precinct
29 without having updated ~~their~~ his or her voter registration records;

30 (11) "First-time voter" means any registered voter who has not
31 previously voted in a federal election in the state;

32 (12) "General or special election" means the regular biennial or
33 annual elections for election of United States, state, district, county,
34 township, and municipal officials and the special elections to fill vacancies
35 therein and special elections to approve any measure. The term as used in
36 this act shall not apply to school elections for officials of school

1 districts;

2 (13) "Majority party" means that political party in the State of
3 Arkansas whose candidates were elected to a majority of the constitutional
4 offices of this state in the last preceding general election;

5 (14) "Marking device" means any approved device for marking a paper
6 ballot with ink or other substance that will enable the votes to be tabulated
7 by means of an electronic vote tabulating device;

8 (15) "Minority party" means that political party whose candidates were
9 elected to less than a majority of the constitutional offices of this state
10 in the last preceding general election or the political party that polled the
11 second greatest number of votes for the office of Governor in the last
12 preceding general election if all of the elected constitutional officers of
13 this state are from a single political party;

14 (16) "Party certificate" means a written statement or receipt signed
15 by the secretary or chair of the county committee or of the state committee,
16 as the case may be, of the political party evidencing the name and title
17 proposed to be used by the candidate on the ballot, the position the
18 candidate seeks, payment of the fees, and filing of the party pledge, if any,
19 required by the political party;

20 (17)(A) "Political party" means any group of voters that at the last
21 preceding general election polled for its candidate for Governor in the state
22 or nominees for presidential electors at least three percent (3%) of the
23 entire vote cast for the office.

24 (B) No group of electors shall assume a name or designation that
25 is so similar in the opinion of the Secretary of State to that of an existing
26 political party as to confuse or mislead the voters at an election.

27 (C) When any political party fails to obtain three percent (3%)
28 of the total votes cast at an election for the office of Governor or nominees
29 for presidential electors, it shall cease to be a political party;

30 ~~(19)~~(18) "Poll worker" means an election judge, election sheriff, and
31 election clerk;

32 ~~(18)~~(19) "Polling site" means a location selected by the county board
33 of election commissioners where votes are cast;

34 (20) "Precinct" means the geographical boundary lines dividing a
35 county, municipality, township, or school district for voting purposes;

36 ~~(20)~~(21) "Primary election" means any election held by a political

1 party in the manner provided by law for the purpose of selecting nominees of
2 the political party for certification as candidates for election at any
3 general or special election in this state;

4 ~~(21)~~(22) "Provisional ballot" means a ballot:

5 (A) Cast by special procedures to record a vote when there is
6 some question concerning a voter's eligibility; and

7 (B) Counted contingent upon the verification of the
8 voter's eligibility;

9 ~~(22)~~(23) "Qualified elector" means a person who holds the
10 qualifications of an elector and who is registered pursuant to Arkansas
11 Constitution, Amendment 51;

12 ~~(23)~~(24) "Sample ballot" means a ballot for distribution to the public
13 or the press marked with the word "SAMPLE" so as to prevent the production of
14 counterfeit ballots;

15 ~~(24)~~(25) "Vacancy in election" means the vacancy in an elective office
16 created by death, resignation, or other good and legal cause, arising prior
17 to election to the office at a general or special election but arising
18 subsequent to the certification of the ballot;

19 ~~(25)~~(26) "Vacancy in nomination" means the circumstances in which the
20 person who received the majority of votes at the preferential primary
21 election or general primary election cannot accept the nomination due to
22 death or notifies the party that he or she will not accept the nomination due
23 to serious illness, moving out of the area from which the person was elected
24 as the party's nominee, or filing for another office preceding the final date
25 for certification of nominations;

26 ~~(26)~~(27)(A) "Vacancy in office" means the vacancy in an elective
27 office created by death, resignation, or other good and legal cause arising
28 subsequent to election to the office at a general or special election or
29 arising subsequent to taking office and prior to the expiration of the term
30 of office in those circumstances wherein the vacancy must be filled by a
31 special election rather than by appointment.

32 (B) The phrase "vacancy in office" shall not apply to the
33 election of a person at a general election to fill an unexpired portion of a
34 term of office;

35 ~~(27)~~(28) "Voter-verified paper audit trail" means a contemporaneous
36 paper record of a ballot printed for the voter to confirm his or her votes

1 before the voter casts his or her ballot that:

2 (A) Allows the voter to verify the voter-verified paper audit
3 trail before the casting of the voter's ballot;

4 (B) Is not retained by the voter;

5 (C) Does not contain individual voter information;

6 (D) Is produced on paper that is sturdy, clean, and resistant to
7 degradation; and

8 (E) Is readable in a manner that makes the voter's ballot
9 choices obvious to the voter without the use of computer or electronic code;

10 ~~(28)~~(29) "Voting machine" means either:

11 (A) A direct recording electronic voting machine that:

12 (i) Records votes by means of a ballot display provided
13 with mechanical or electro-optical components that may be actuated by the
14 voter;

15 (ii) Processes the data by means of a computer program;

16 (iii) Records voting data and ballot images in internal
17 and external memory components; and

18 (iv) Produces a tabulation of the voting data stored in a
19 removable memory component and on a printed copy; or

20 (B) An electronic device for marking a paper ballot to be
21 electronically scanned; and

22 ~~(29)~~(30) "Voting system" means:

23 (A) The total combination of mechanical, electromechanical, or
24 electronic equipment, including the software, firmware, and documentation
25 required to program, control, and support the equipment that is used to:

26 (i) ~~To define~~ Define ballots;

27 (ii) ~~To cast~~ Cast and count votes;

28 (iii) ~~To report~~ Report or display election results; and

29 (iv) ~~To maintain~~ Maintain and produce any audit trail
30 information; and

31 (B) The practices and documentation used to:

32 (i) Identify system components and versions of components;

33 (ii) Test the system during its development and
34 maintenance;

35 (iii) Maintain records of system errors and defects;

36 (iv) Determine specific system changes to be made to a

1 system after the initial qualification of the system; and

2 (v) Make available any materials to the voter, including,
3 but not limited to, notices, instructions, forms, or paper ballots.

4
5 SECTION 2. Arkansas Code Title 7, Chapter 4, Subchapter 1 is amended
6 to read as follows:

7 ~~7-4-101. State Board of Election Commissioners—Members—Officers—~~
8 ~~Meetings.~~

9 ~~(a) The State Board of Election Commissioners shall be composed of the~~
10 ~~following seven (7) persons, with at least one (1) from each congressional~~
11 ~~district:~~

12 ~~(1) The Secretary of State;~~

13 ~~(2) One (1) person designated by the chair of the state~~
14 ~~Democratic Party;~~

15 ~~(3) One (1) person designated by the chair of the state~~
16 ~~Republican Party;~~

17 ~~(4) One (1) person to be chosen by the President Pro Tempore of~~
18 ~~the Senate;~~

19 ~~(5) One (1) person to be chosen by the Speaker of the House of~~
20 ~~Representatives; and~~

21 ~~(6) Two (2) persons to be chosen by the Governor, one (1) of~~
22 ~~whom shall be a county clerk and one (1) of whom shall have served for at~~
23 ~~least three (3) years as a county election commissioner.~~

24 ~~(b) The Secretary of State shall serve as chair and secretary of the~~
25 ~~board.~~

26 ~~(c) Except for the Secretary of State and the county clerk, no member~~
27 ~~of the board shall be an elected public official.~~

28 ~~(d)(1) The term on the board of the elected state official shall be~~
29 ~~concurrent with the term of the public elected official.~~

30 ~~(2) The county clerk shall hold the office of county clerk when~~
31 ~~appointed to the board and shall be removed as a member of the board if not~~
32 ~~in office.~~

33 ~~(3)(A) Members of the board appointed by the President Pro~~
34 ~~Tempore of the Senate and the Speaker of the House of Representatives shall~~
35 ~~be appointed for terms of two (2) years and shall continue to serve until~~
36 ~~successors have been appointed and taken the official oath.~~

1 ~~(B)—All other appointive members shall be appointed for~~
2 ~~terms of four (4) years and shall continue to serve until successors have~~
3 ~~been appointed and taken the official oath.~~

4 ~~(4)—No appointive member shall be appointed to serve more than~~
5 ~~two (2) consecutive full terms.~~

6 ~~(5)(A)—If a vacancy on the board occurs, a successor shall be~~
7 ~~appointed within thirty (30) days to serve the remainder of the unexpired~~
8 ~~term.~~

9 ~~(B)—The appointment shall be made by the official holding~~
10 ~~the office responsible for appointing the predecessor.~~

11 ~~(e)(1)—The board shall meet as needed upon call of the chair or upon~~
12 ~~written request to the chair of any four (4) members.~~

13 ~~(2)—A majority of the membership of the board shall constitute a~~
14 ~~quorum for conducting business.~~

15 ~~(3)—No sanctions shall be imposed without the affirmative vote~~
16 ~~of at least four (4) members of the board.~~

17 ~~(4)—Meetings of the board may be chaired and conducted by either~~
18 ~~the chair or a member of the board designated by the chair as acting chair~~
19 ~~for the meeting.~~

20 ~~(f)—The board shall have the authority to:~~

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

26 ~~(2)—Conduct statewide training for election officers and county~~
27 ~~election commissioners;~~

28 ~~(3)—Adopt all necessary rules regarding training referred to in~~
29 ~~subdivision (f)(2) of this section and develop procedures for monitoring~~
30 ~~attendance;~~

31 ~~(4)—Monitor all election law related legislation;~~

32 ~~(5)—Formulate, adopt, and promulgate all necessary rules to~~
33 ~~assure even and consistent application of voter registration laws and fair~~
34 ~~and orderly election procedures;~~

35 ~~(6)(A)—Appoint certified election monitors to any county upon a~~
36 ~~signed, written request under oath filed with the board and a determination~~

1 ~~by the board that appointing a monitor is necessary.~~

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

4 ~~(C) The board may allow for reasonable compensation for~~
5 ~~election monitors;~~

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

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

13 ~~(B) The cost of compliance with Title IV of the federal~~
14 ~~Help America Vote Act shall be paid from the fund established to comply with~~
15 ~~the federal Help America Vote Act;~~

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

22 ~~(10) Examine and approve in accordance with §§ 7-5-503 and 7-5-~~
23 ~~606 the types of voting machines and electronic vote tabulating devices used~~
24 ~~in any election; and~~

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

28 ~~(g) The Attorney General shall provide legal assistance to the board~~
29 ~~in answering questions regarding election laws.~~

30 ~~(h)(1) The board may appoint a Director of the State Board of Election~~
31 ~~Commissioners, who may hire a staff.~~

32 ~~(2) The director shall serve at the pleasure of the board.~~

33 ~~(3) The board shall set the personnel policies in accordance~~
34 ~~with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq.,~~
35 ~~and the Uniform Classification and Compensation Act, § 21-5-201 et seq.~~

36

1 ~~7-4-102. County boards of election commissioners—Election of members~~
2 ~~—Oath.~~

3 ~~(a)(1) The county chair of the county committee of the majority party~~
4 ~~and the county chair of the county committee of the minority party shall be~~
5 ~~members of the county board of election commissioners together with one (1)~~
6 ~~additional or third member selected by the county committee of the majority~~
7 ~~party at the same time as the election of party officers.~~

8 ~~(2) Provided, however, if the county chair of a county committee~~
9 ~~of the majority party or the minority party is an elected official or is~~
10 ~~otherwise ineligible to serve as a member of the county board of election~~
11 ~~commissioners, he or she shall not serve as a member of the county board, but~~
12 ~~the county committee shall select a resident of the county qualified to serve~~
13 ~~in his or her stead.~~

14 ~~(3) Any county chair of a county committee of the majority party~~
15 ~~or the minority party may elect not to serve as a member of the county board,~~
16 ~~and the county committee shall select a resident of the county qualified to~~
17 ~~serve in his or her stead.~~

18 ~~(b)(1) Within ten (10) days of the date of selection to the county~~
19 ~~board of election commissions, the chair or secretary of each county~~
20 ~~committee shall notify the county clerk in writing of the names and addresses~~
21 ~~of those selected to serve on the county board.~~

22 ~~(2) Upon receipt of the notice, the county clerk shall send to~~
23 ~~each of the county election commissioners, by registered mail, notice to~~
24 ~~appear before the clerk within thirty (30) days of selection as a county~~
25 ~~election commissioner to take and subscribe to the oath prescribed by the~~
26 ~~Arkansas Constitution.~~

27 ~~(3) The oath shall be filed in the office of the county clerk~~
28 ~~and a duplicate forwarded to the Secretary of State.~~

29 ~~(c) Between January 1 and January 31 of each year, the chair of the~~
30 ~~majority party of the county shall file with the county clerk and the~~
31 ~~Secretary of State a notice setting forth the names of the majority party's~~
32 ~~designated members of the county board and the chair of the minority party~~
33 ~~shall file with the county clerk and the Secretary of State a notice setting~~
34 ~~forth the name of the minority party's member of the county board.~~

35 ~~(d) The county board is deemed to consist of county officials, and its~~
36 ~~members shall be immune from tort liability pursuant to § 21-9-301.~~

1 ~~(e)(1) Members of the county board shall serve for a term of three (3)~~
2 ~~years.~~

3 ~~(2) As of July 31, 2007, members of the county board shall draw~~
4 ~~lots for terms so that one (1) member shall serve for a term of one (1) year,~~
5 ~~one (1) member shall serve for a term of two (2) years, and one (1) member~~
6 ~~shall serve for a term of three (3) years.~~

7 ~~(3) Thereafter, all appointments shall be for terms of three (3)~~
8 ~~years, staggered so that one (1) term expires on January 15 of every year.~~

9
10 ~~7-4-103. Vacancies on state and county boards.~~

11 ~~(a) In the event of a vacancy or disqualification on the part of any~~
12 ~~state or county chair for either the majority or minority parties, the state~~
13 ~~vice chair or county vice chair of the party in which the vacancy occurs~~
14 ~~shall act as county chair or state chair as the case may be for all of the~~
15 ~~purposes set out in §§ 7-4-101, 7-4-102, and this section until a new county~~
16 ~~chair or state chair is selected by the parties.~~

17 ~~(b) In the event that no county chair or county vice chair has been~~
18 ~~elected in any of the several counties of Arkansas for either the majority~~
19 ~~party or minority party by the fiftieth calendar day before any general~~
20 ~~election, then and in that event, the State Board of Election Commissioners~~
21 ~~shall have authority to elect by majority vote qualified persons from the~~
22 ~~county committee of the majority or minority party so affected to fill the~~
23 ~~vacancies whether or not the vacancies are caused by failure to elect or by~~
24 ~~death, resignation, or disqualification. However, all appointments to fill~~
25 ~~the vacancies of the county boards of election commissioners shall be~~
26 ~~terminated immediately upon the election of a county chair or county vice~~
27 ~~chair qualified to serve upon the county board of election commissioners as~~
28 ~~provided in this section.~~

29 ~~(c) In the event of a vacancy or disqualification of any third member~~
30 ~~of a county board who was duly elected by the state board, the chair of the~~
31 ~~county committee of the majority party shall immediately notify the Chair of~~
32 ~~the State Board of Election Commissioners of the vacancy or disqualification.~~
33 ~~Upon receipt of the notification, the chair shall call a meeting of the state~~
34 ~~board, which shall fill the vacancy from the list of remaining nominees~~
35 ~~originally submitted by the county committee at any time prior to a general~~
36 ~~election, except that when the county committee did not submit the list of~~

1 ~~nominees at least sixty (60) calendar days before a general election, the~~
2 ~~state board shall nominate and elect by majority vote any resident of the~~
3 ~~county as the third member at any time prior to a general election.~~

4
5 ~~7-4-104. Lists of county chairs—Notification of vacancies.~~

6 ~~(a)(1) It shall be the duty of the majority and minority parties to~~
7 ~~keep on file with their respective state chair a complete list of all of~~
8 ~~their respective county chairs.~~

9 ~~(2) It shall be the duty of the respective county chairs of both~~
10 ~~the majority and minority parties to keep on file with the Secretary of State~~
11 ~~a letter stating the name of the county chairs and to notify promptly the~~
12 ~~Secretary of State of the death, resignation, disqualification, or vacancy in~~
13 ~~the office of any county chair and of the election of a new chair to fill the~~
14 ~~vacancy thus created.~~

15 ~~(b) It shall be the duty of the Secretary of State to keep the letters~~
16 ~~containing the names of the county chairs of the majority and minority~~
17 ~~parties as public records open at all times to public inspection.~~

18
19 ~~7-4-105. County board of election commissioners—Officers—Meetings.~~

20 ~~(a) The county board of election commissioners shall hold office until~~
21 ~~their successors are appointed and qualified. The commissioners shall meet at~~
22 ~~the courthouse at least thirty (30) days prior to the general election and~~
23 ~~shall organize themselves into a county board of election commissioners by~~
24 ~~electing one (1) member chair. Each commissioner shall have one (1) vote. Two~~
25 ~~(2) commissioners shall constitute a quorum, and the concurring votes of any~~
26 ~~two (2) shall decide questions before them unless otherwise provided by law.~~

27 ~~(b) The chair of a county board of election commissioners shall notify~~
28 ~~all commissioners of all meetings. Any meeting of two (2) or more~~
29 ~~commissioners when official business is conducted shall be public and held~~
30 ~~pursuant to the Freedom of Information Act of 1967, § 25-19-101 et seq. The~~
31 ~~county board shall keep minutes of all meetings when official business is~~
32 ~~conducted, and the minutes shall be filed of record with the county clerk.~~

33
34 ~~7-4-106. Assistance of prosecuting attorney.~~

35 ~~(a) The county board of election commissioners, as created by this~~
36 ~~subchapter, may call upon the prosecuting attorney or his or her deputy for~~

1 legal opinions, advice, or assistance in defending, commencing, or appealing
2 civil actions at law and equity.

3 (b) ~~The county or prosecuting attorney shall defend any civil lawsuit~~
4 ~~brought against the county board or its members if they are sued in regard to~~
5 ~~acts or omissions made during the course of their official duties.~~

6
7 ~~7-4-107. Duties of county board of election commissioners—Ballot~~
8 ~~boxes—Voting booths—Appointment of election officers.~~

9 (a) ~~The county board of election commissioners shall proceed to~~
10 ~~establish and allocate a sufficient number of ballot boxes in each precinct~~
11 ~~or polling site. The county board shall appoint the requisite number of~~
12 ~~election officials at each site where voters present themselves to vote to~~
13 ~~ensure that there is a sufficient number of election officials at each site,~~
14 ~~based upon the votes in the immediately preceding comparable election.~~

15 (b)(1) ~~It shall be the duty of the county board to select and appoint~~
16 ~~a sufficient number of election officials for each polling site as provided~~
17 ~~by subsection (a) of this section and to perform the other duties prescribed~~
18 ~~not less than twenty (20) days preceding an election.~~

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

32 (c) ~~The county board shall certify to the county court the per diem of~~
33 ~~election officials and the mileage of the election official carrying the~~
34 ~~returns to the county election commissioners' office for allowance.~~

35 (d) ~~The county board may permit election officials to work half-day or~~
36 ~~split shifts at the polls at any election so long as the requisite number of~~

1 ~~election officials is always present.~~

2
3 ~~7-4-108. Absence of election officials — Filling vacancy.~~

4 ~~If any election official shall be absent at the time fixed for the~~
5 ~~opening of the polls, then the other election officials shall appoint some~~
6 ~~person or persons having the qualifications prescribed by this act for~~
7 ~~election officials to supply the vacancy; and if all of the officials shall~~
8 ~~be absent, then the voters present shall elect as election officials persons~~
9 ~~having the required qualifications. The county board of election~~
10 ~~commissioners shall be notified of any vacancies and substitutions of~~
11 ~~election officials.~~

12
13 ~~7-4-109. Qualifications of state and county commissioners and other~~
14 ~~election officials.~~

15 ~~(a)(1) The members of the State Board of Election Commissioners, the~~
16 ~~members of each county board of election commissioners, and election~~
17 ~~officials shall be qualified electors of this state, able to read and write~~
18 ~~the English language, and shall not have been found guilty or pleaded guilty~~
19 ~~or nolo contendere to the violation of any election law of this state.~~

20 ~~(2) No election official, as defined in § 7-1-101, shall be a~~
21 ~~candidate for any office to be filled at any election while serving as an~~
22 ~~election official.~~

23 ~~(3) A member of the county board of election commissioners shall~~
24 ~~not be disqualified from serving as a member of the county board by the~~
25 ~~appearance on the ballot as a candidate for a position in his or her~~
26 ~~political party.~~

27 ~~(b) Furthermore, all members of each county board shall be residents~~
28 ~~of the county in which they serve at the time of their appointment or~~
29 ~~election. All election officials shall be residents of the precincts in which~~
30 ~~they serve at the time of their appointment. However, if at the time of~~
31 ~~posting election officials, the county board by unanimous vote shall find~~
32 ~~that it is impossible to obtain qualified election officials from any~~
33 ~~precinct or precincts and shall make certification of that finding to the~~
34 ~~county clerk, then other qualified citizens of the county may be designated~~
35 ~~to serve in the precinct or precincts.~~

36 ~~(c)(1) No person who is a paid employee of any political party or of~~

1 ~~any person running for any office on that county's ballot shall be eligible~~
2 ~~to be a member of a county board or an election official.~~

3 ~~(2)(A) No person serving on the county board shall participate~~
4 ~~in any person's campaign listed on that county's ballot.~~

5 ~~(B) The making of a financial contribution to a candidate~~
6 ~~shall not be considered participating in a candidate's campaign.~~

7 ~~(3) No person employed with a company that has any business~~
8 ~~dealings, contracts, or pending contracts before a county board to which he~~
9 ~~or she would seek appointment shall be eligible to be a candidate for the~~
10 ~~county board.~~

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

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

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

23
24 ~~7-4-110. Oath of election officers.~~

25 ~~(a) The election officials, before entering on their duties, shall~~
26 ~~take, before some person authorized by law to administer oaths, the following~~
27 ~~oath:~~

28 ~~"I, _____, do swear that I will perform the duties of an~~
29 ~~election official of this election according to law and to the best of my~~
30 ~~abilities, and that I will studiously endeavor to prevent fraud, deceit, and~~
31 ~~abuse in conducting the same, and that I will not disclose how any voter~~
32 ~~shall have voted, unless required to do so as a witness in a judicial~~
33 ~~proceeding or a proceeding to contest an election."~~

34 ~~(b) In case there shall be no person present at the opening of any~~
35 ~~election authorized to administer oaths, it shall be lawful for the election~~
36 ~~officials to administer the oath to each other, and the election officials~~

1 shall have full power and authority to administer all oaths that may be
2 necessary in conducting any election.

3
4 ~~7-4-111.— Compensation of board members.~~

5 ~~(a) The State Board of Election Commissioners may receive expense~~
6 ~~reimbursement and stipends in accordance with § 25-16-901 et seq.~~

7 ~~(b) Each member of the county board of election commissioners shall~~
8 ~~receive for services the sum of not less than twenty five dollars (\$25.00)~~
9 ~~per public meeting when official business is conducted.~~

10
11 ~~7-4-112.— Compensation of election officials.~~

12 ~~(a) The election officials shall receive a minimum of the prevailing~~
13 ~~federal minimum wage for holding an election, or such greater amount as may~~
14 ~~be appropriated.~~

15 ~~(b) In addition, each election official carrying election materials to~~
16 ~~and from the polling sites shall be allowed mileage at such rate as may be~~
17 ~~appropriated but not to exceed the rate prescribed for state employees in~~
18 ~~state travel regulations.~~

19
20 ~~7-4-113.— Record of funds and expenditures.~~

21 ~~The county board of election commissioners of each county shall~~
22 ~~maintain a record of all funds the county board receives and all expenditures~~
23 ~~of the county board. These records shall be open to the public under the~~
24 ~~provisions of the Freedom of Information Act of 1967, § 25-19-101 et seq.~~

25
26 ~~7-4-114.— Filling vacancy of an elected office — Effect.~~

27 ~~Any member of a county board of election commissioners may be appointed~~
28 ~~to fill a vacancy in an elected office without vacating his or her seat on~~
29 ~~the county board. The member shall not be eligible for reelection to the~~
30 ~~office when the term expires.~~

31
32 ~~7-4-115.— Legislative intent.~~

33 ~~Due to the recent United States Eighth Circuit Court of Appeals ruling~~
34 ~~in Jones v. Conway County, Arkansas, 143 F.3d 417 (8th Cir. 1998), the status~~
35 ~~of county election commissioners as either county officials or state~~
36 ~~officials has become unclear. Because of this lack of clarity, there has been~~

1 much confusion as to whether or not county election commissioners should have
2 been or currently are immune from suit under the state's policy of tort
3 immunity. It is the intent of the General Assembly to clarify the official
4 status of county election commissioners. Prior to July 30, 1999, county
5 election commissioners were state officials and, as such, were immune from
6 suit pursuant to Arkansas Constitution, Article 5, § 20, and § 19-10-305.
7 Upon July 30, 1999, county election commissioners are hereby deemed to be
8 county officials and are immune from suit pursuant to § 21-9-301.

9
10 ~~7-4-116. Election poll workers program for high school students.~~

11 ~~(a)(1) The county board of election commissioners may conduct a~~
12 ~~special election day program for high school students in one (1) or more~~
13 ~~polling places designated by the county board.~~

14 ~~(2) The high school students shall be selected by the county~~
15 ~~board in cooperation with the local high school principal, the local 4-H~~
16 ~~club, the local Boy Scout club, the local Girl Scout club, or any other local~~
17 ~~organization for youth designated by the county board.~~

18 ~~(3)(A) A high school student selected for this program who has~~
19 ~~not reached his or her eighteenth birthday by the election day in which he or~~
20 ~~she is participating shall be called an election page.~~

21 ~~(B) A high school student selected for this program who~~
22 ~~has reached his or her eighteenth birthday by the election day in which he or~~
23 ~~she is participating and meets the qualifications in § 7-4-109 may be an~~
24 ~~election official.~~

25 ~~(b) The program shall:~~

26 ~~(1) Be designed to stimulate the students' interest in elections~~
27 ~~and registering to vote;~~

28 ~~(2) Provide assistance to the officers of election; and~~

29 ~~(3) Assist in the safe entry and exit of elderly voters and~~
30 ~~voters with disabilities from the polling place.~~

31 ~~(c)(1) Each student selected as an election page shall:~~

32 ~~(A) Be excused from school while working as an election~~
33 ~~page;~~

34 ~~(B) Serve under the direct supervision of the election~~
35 ~~officials at his or her assigned polling place; and~~

36 ~~(C) Observe strict impartiality at all times.~~

1 ~~(2) An election page may observe the electoral process and seek~~
2 ~~information from the election officers but shall not handle or touch ballots,~~
3 ~~voting machines, or any other official election materials or enter any voting~~
4 ~~booth.~~

5 ~~(3) An election page shall be in a volunteer position and shall~~
6 ~~not receive any compensation for performing his or her duties.~~

7 ~~(4) Before beginning any duties, an election page shall take,~~
8 ~~before an election official, the following oath:~~

9 ~~“I, _____, do swear that I will perform the duties of an election page~~
10 ~~of this election according to law and to the best of my abilities, and that I~~
11 ~~will studiously endeavor to prevent fraud, deceit, and abuse, and that I will~~
12 ~~not disclose how any voter shall have voted, unless required to do so as a~~
13 ~~witness in a judicial proceeding or a proceeding to contest an election.”~~

14 ~~(d)(1) Each student selected to be an election official shall:~~

15 ~~(A) Take the oath of the election officials in § 7-4-110;~~

16 ~~(B) Serve under the supervision of the appropriate county~~
17 ~~board of election commissioners;~~

18 ~~(C) Observe strict impartiality at all times; and~~

19 ~~(D) Be excused from school while working as an election~~
20 ~~official.~~

21 ~~(2) A high school student selected to be an election official~~
22 ~~may be compensated according to § 7-4-112 if the county board of election~~
23 ~~commissioners determines that the high school students selected to be~~
24 ~~election officials should be compensated.~~

25
26 ~~7-4-117. Election poll workers program for college students.~~

27 ~~(a)(1) The county board of election commissioners may conduct an~~
28 ~~election day program for college students in one (1) or more polling places~~
29 ~~designated by the county board.~~

30 ~~(2)(A) The college students shall be selected by the county~~
31 ~~board from any two-year or four-year college or university in the state.~~

32 ~~(B) The county board shall work in cooperation with the~~
33 ~~student government associations of the colleges and universities in selecting~~
34 ~~the students for the program and conducting seminars concerning election~~
35 ~~procedures for students interested in the program.~~

36 ~~(3)(A) A college student selected for this program who has not~~

1 ~~reached his or her eighteenth birthday by the election day in which he or she~~
2 ~~is participating shall be called an election page.~~

3 ~~(B)—A college student selected for this program who has~~
4 ~~reached his or her eighteenth birthday by the election day in which he or she~~
5 ~~is participating and meets the qualifications in § 7-4-109 shall be an~~
6 ~~election official.~~

7 ~~(b)—The program shall:~~

8 ~~(1)—Be designed to stimulate the students' interest in elections~~
9 ~~and in registering to vote;~~

10 ~~(2)—Provide assistance to the officers of the election; and~~

11 ~~(3)—Assist in the safe entry and exit of elderly voters and~~
12 ~~voters with disabilities from the polling place.~~

13 ~~(c)(1)—Each student selected as an election page shall:~~

14 ~~(A)—Serve under the direct supervision of the election~~
15 ~~officials at his or her assigned polling place; and~~

16 ~~(B)—Observe strict impartiality at all times.~~

17 ~~(2)—An election page may observe the electoral process and seek~~
18 ~~information from the election officers but shall not handle or touch ballots,~~
19 ~~voting machines, or any other official election materials or enter any voting~~
20 ~~booth.~~

21 ~~(3)—An election page shall be in a volunteer position and shall~~
22 ~~not receive any compensation for performing his or her duties.~~

23 ~~(4)—Before beginning any duties, an election page shall take,~~
24 ~~before an election official, the following oath:~~

25 ~~"I, _____, do swear that I will perform the duties of an election page~~
26 ~~of this election according to law and to the best of my abilities, and that I~~
27 ~~will studiously endeavor to prevent fraud, deceit, and abuse, and that I will~~
28 ~~not disclose how any voter shall have voted unless required to do so as a~~
29 ~~witness in a judicial proceeding or a proceeding to contest an election."~~

30 ~~(d)(1)—Each student selected to be an election official shall:~~

31 ~~(A)—Take the oath of the election officials in § 7-4-110;~~

32 ~~(B)—Serve under the supervision of the appropriate county~~
33 ~~board of election commissioners; and~~

34 ~~(C)—Observe strict impartiality at all times.~~

35 ~~(2)—A college student selected to be an election official shall~~
36 ~~be compensated according to § 7-4-112.~~

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~~7-4-118. Complaints of election law violations.~~

~~(a)(1) The State Board of Election Commissioners may investigate alleged violations, render findings, and impose disciplinary action according to this subchapter for violations of election and voter registration laws, except:~~

~~(A) For the provisions in § 7-1-103(a)(1)-(4), (6), and (7); and~~

~~(B) For any matters relating to campaign finance and disclosure laws that the Arkansas Ethics Commission shall have the power and authority to enforce according to §§ 7-6-217 and 7-6-218.~~

~~(2) For purposes of subdivision (a)(1) of this section, the board may file a complaint.~~

~~(3) A complaint must be filed with the board in writing within thirty (30) days of an alleged voter registration violation or the election associated with the complaint.~~

~~(4) A complaint must clearly state the alleged election irregularity or illegality, when and where the alleged activity occurred, the supporting facts surrounding the allegations, and the desired resolution.~~

~~(5) A complaint must be signed by the complainant under penalty of perjury.~~

~~(6)(A) Filing a frivolous complaint is considered a violation of this subchapter.~~

~~(B) For purposes of this section, "frivolous" means clearly lacking any basis in fact or law.~~

~~(b)(1) Upon receipt by the board of a written complaint signed under penalty of perjury stating facts constituting an alleged violation of election or voter registration laws under its jurisdiction, the board shall proceed to investigate the alleged violation.~~

~~(2) The board may determine that:~~

~~(A) The complaint can be disposed of through documentary submissions; or~~

~~(B) Further investigation is necessary.~~

~~(3) The board may forward the complaint, along with the information and documentation as deemed appropriate, to the proper authority.~~

~~(4)(A) If the board determines that an investigation is~~

1 necessary, the board shall provide a copy of the complaint with instructions
2 regarding the opportunity to respond to the complaint to the party against
3 whom the complaint is lodged.

4 (B) The board may administer oaths for the purpose of
5 taking sworn statements from any person thought to have knowledge of any
6 facts pertaining to the complaint.

7 (C) The board may request the party against whom the
8 complaint is lodged to answer allegations in writing, produce relevant
9 evidence, or appear in person before the board.

10 (D) The board may subpoena any person or the books,
11 records, or other documents relevant to an inquiry by the board that are
12 being held by any person and take sworn statements.

13 (E) The board shall provide the subject of the subpoena
14 with reasonable notice of the subpoena and an opportunity to respond.

15 (F) The board shall advise in writing the complainant and
16 the party against whom the complaint is lodged of the final action taken.

17 (e) If the board finds that probable cause exists for finding a
18 violation of election or voter registration laws under its jurisdiction, the
19 board may determine that a full public hearing be called.

20 (d) If the board finds a violation of election or voter registration
21 laws under its jurisdiction, then the board may do one (1) or more of the
22 following:

23 (1) Issue a public letter of caution, warning, or reprimand;

24 (2) Impose a fine of not less than twenty five dollars (\$25.00)
25 nor more than one thousand dollars (\$1,000) for each negligent or intentional
26 violation;

27 (3) Report its findings, along with the information and
28 documents as it deems appropriate, and make recommendations to the proper law
29 enforcement authorities; or

30 (4) Assess costs for the investigation and hearing.

31 (e)(1) The board shall adopt rules governing the imposition of the
32 fines in accordance with the provisions of the Arkansas Administrative
33 Procedure Act, § 25-15-201 et seq.

34 (2)(A) The board may file suit in the Pulaski County Circuit
35 Court or in the circuit court of the county in which the debtor resides or,
36 according to the Small Claims Procedure Act, § 16-17-601 et seq. [repealed],

1 ~~in the small claims division of any district court in the State of Arkansas~~
2 ~~to obtain a judgment for the amount of any fine imposed according to its~~
3 ~~authority.~~

4 ~~(B) The action by the court shall not involve further~~
5 ~~judicial review of the board's actions.~~

6 ~~(C) The fee normally charged for the filing of a suit in~~
7 ~~any of the circuit or district courts in the State of Arkansas shall be~~
8 ~~waived on behalf of the board.~~

9 ~~(3) All moneys received by the board in payment of fines shall~~
10 ~~be deposited into the State Treasury as general revenues.~~

11 ~~(f)(1) The board shall complete its investigation of a complaint filed~~
12 ~~according to this section and take final action within one hundred eighty~~
13 ~~(180) days of the filing of the complaint.~~

14 ~~(2) However, if a hearing under subsection (e) of this section~~
15 ~~is conducted, all action on the complaint by the board shall be completed~~
16 ~~within two hundred forty (240) days.~~

17 ~~(3) Any final action of the board under this section shall~~
18 ~~constitute an adjudication for purposes of judicial review under § 25-15-212.~~

19 ~~(g)(1) The board shall keep a record of all inquiries, investigations,~~
20 ~~and proceedings.~~

21 ~~(2) Records relating to investigations by the board are exempt~~
22 ~~from the Freedom of Information Act of 1967, § 25-19-101 et seq., until a~~
23 ~~hearing is set or the investigation by the Director of the Board of Election~~
24 ~~Commissioners is closed.~~

25 ~~(3) The board may disclose, through its members or staff,~~
26 ~~otherwise confidential information to proper law enforcement officials,~~
27 ~~agencies, and bodies as may be required to conduct its investigation.~~
28

29 7-4-101. State Board of Election Commissioners.

30 (a) The State Board of Election Commissioners shall be composed of the
31 following seven (7) persons, with at least one (1) from each congressional
32 district:

33 (1) The Secretary of State;

34 (2) One (1) person to be chosen by the chair of the state
35 Democratic Party;

36 (3) One (1) person to be chosen by the chair of the state

1 Republican Party;

2 (4) One (1) person to be chosen by the President Pro Tempore of
3 the Senate;

4 (5) One (1) person to be chosen by the Speaker of the House of
5 Representatives; and

6 (6) Two (2) persons to be chosen by the Governor, one (1) of
7 whom shall be a county clerk and one (1) of whom shall have served for at
8 least three (3) years as a county election commissioner.

9 (b) The Secretary of State shall serve as chair and secretary of the
10 board.

11 (c) Except for the Secretary of State and the county clerk, a member
12 of the board shall not be an elected public official.

13 (d)(1) The term on the board of the elected state official shall be
14 concurrent with the term of the public elected official.

15 (2) The county clerk shall hold the office of county clerk when
16 appointed to the board and shall be removed as a member of the board if not
17 in office.

18 (3)(A) Members of the board appointed by the President Pro
19 Tempore of the Senate and the Speaker of the House of Representatives shall
20 be appointed for terms of two (2) years and shall continue to serve until
21 successors have been appointed and taken the official oath.

22 (B) All other appointed members shall be appointed for
23 terms of four (4) years and shall continue to serve until successors have
24 been appointed and taken the official oath.

25 (4) An appointed member shall not be appointed to serve more
26 than two (2) consecutive full terms.

27 (5)(A) If a vacancy on the board occurs, a successor shall be
28 appointed within thirty (30) days to serve the remainder of the unexpired
29 term.

30 (B) The appointment shall be made by the official holding
31 the office responsible for appointing the predecessor.

32 (e)(1) The board shall meet as needed upon call of the chair or upon
33 written request to the chair of any four (4) members.

34 (2) A majority of the membership of the board shall constitute a
35 quorum for conducting business.

36 (3) A sanction shall not be imposed without the affirmative vote

1 of at least four (4) members of the board.

2 (4) Meetings of the board may be chaired and conducted by either
3 the chair or a member of the board designated by the chair as acting chair
4 for the meeting.

5 (f) The board may receive expense reimbursement and stipends in
6 accordance with § 25-16-901 et seq.

7
8 7-4-102. Election duties of the Secretary of State.

9 The Secretary of State as chief election official of the State shall:

10 (1) Administer the statewide voter registration system;

11 (2) Prepare and disseminate instructions for the conduct of
12 elections to the county election coordinators;

13 (3) Designate at least one (1) member of his or her staff to
14 become knowledgeable of the election laws as they pertain to elections in the
15 State of Arkansas for the purpose of answering procedural questions and to
16 aid the candidates in filing for election;

17 (4) Prescribe the form of voter registration records;

18 (5) Publish and keep up to date an election laws manual and such
19 other material as the Secretary of State may determine to be useful to
20 persons administering the election laws;

21 (6) Report to each General Assembly any recommendations for
22 improvements in the election laws or their application;

23 (7) Receive initiative and referendum petitions on state
24 measures as required by law and determine and certify the sufficiency of
25 those petitions;

26 (8) Accept filings of candidates and certify their names to the
27 county boards of election commissioners for inclusion on the ballot as
28 required by law;

29 (9) Require reports from the several county election
30 coordinators as provided by law, or as the Secretary of State considers
31 necessary;

32 (10)(A) Conduct meetings to allow election officials from the
33 counties to exchange ideas on the administration of elections, including
34 issues related to cost savings and efficiency in the conduct of elections.

35 (B) The election officials shall be given the opportunity
36 at the meetings to make recommendations on proposed changes in the election

1 laws;

2 (11) Develop, implement, and provide a continuing program to
3 educate voters on election processes; and

4 (12) Perform other duties required by law.

5
6 7-4-103. County board of election commissioners-Members-Vacancies-
7 Oath.

8 (a) The following shall be members of the county board of election
9 commissioners:

10 (1) The chair of the county committee of the majority party or a
11 qualified person designated by the county committee if the chair is
12 ineligible or declines to serve on the board;

13 (2) The chair of the county committee of the minority party or a
14 qualified person designated by the county committee if the chair is
15 ineligible or declines to serve on the board; and

16 (3) A third member selected by the county committee of the
17 majority party.

18 (b) Between January 1 and January 31 of each year:

19 (1) The chair of the majority party for the county shall file
20 with the county clerk and the Secretary of State a notice stating the names,
21 addresses, and telephone numbers of the majority party's designated members
22 of the county board of election commissioners; and

23 (2) The chair of the minority party for the county shall file
24 with the county clerk and the Secretary of State a notice stating the name,
25 address, and telephone number of the minority party's designated member of
26 the county board of election commissioners.

27 (c) Whenever there is a vacancy in a position on the county board, the
28 chair of the county committee of the appropriate party shall immediately
29 notify the chair of the state committee of the party of the vacancy, and the
30 vacancy shall be filled as follows:

31 (1) By appointment of a qualified resident of the county by the
32 county chair of the affected party; or

33 (2)(A) By appointment of a qualified resident of the county by
34 the state chair of the affected party if the position is not filled within
35 thirty (30) days before any election.

36 (B) The appointee shall serve until the county chair fills

1 the vacancy.

2 (d)(1) As soon as practicable after a vacancy on the county
3 board of election commissioners is filled, the chair of the county committee
4 or state committee, as the case may be, of the party that fills the vacancy
5 shall file with the county clerk and Secretary of State a notice stating the
6 name, address, and telephone number of the new member of the county board of
7 election commissioners.

8 (2) Upon receipt of the notice, the county clerk shall send a
9 letter by registered mail to the commissioner named in the notice to appear
10 before the clerk within thirty (30) days to take and subscribe to the oath
11 prescribed by Arkansas Constitution, Article 19, §20, said oath to be filed
12 with the county clerk and a duplicate thereof forwarded to the Secretary of
13 State.

14 (e) The prosecuting attorney shall bring an action in an appropriate
15 court to remove from office any member of the county board of election
16 commissioners who is not qualified to hold his or her position on the county
17 board of election commissioners.

18 (f) The county board of election commissioners is deemed to consist of
19 county officials, and its members shall be immune from tort liability
20 pursuant to § 21-9-301.

21
22 7-4-104. Appointment of election judges, election sheriffs, and
23 election clerks.

24 (a)(1) The chair of the county committee of the majority party and the
25 chair of the county committee of the minority party may recommend qualified
26 residents of the various precincts of the county to serve as poll workers by
27 submitting a list of such persons to the county board of election
28 commissioners.

29 (2) The county board of election commissioners shall appoint at
30 least one (1) person recommended by each county chair for each polling site,
31 if the persons to be appointed meet the qualifications of a poll worker.

32 (b)(1) The county board of election commissioners shall appoint one
33 (1) election judge and one (1) election sheriff for each polling site, and as
34 many additional election clerks as are necessary for the efficient
35 administration of elections at each polling site.

36 (2) The position of election judge and election

1 sheriff may be combined and held by one (1) poll worker.

2 (3) There shall be at least three (3) poll workers at each
3 polling site.

4 (c) Appointments of election judges, election sheriffs, and election
5 clerks shall be made at a public meeting of the county board of election
6 commissioners at least twenty (20) days before the election.

7 (d)(1) If a poll worker fails to appear at his or her designated
8 polling place at the time designated by the county board of election
9 commissioners on election day, the county board of election commissioners may
10 appoint a qualified person to replace the absent poll worker.

11 (2) However, if the absent poll worker was recommended by the
12 minority party representative to the county board of election commissioners,
13 then the minority party representative may recommend a qualified person to
14 replace the absent poll worker and the county board of election commissioners
15 shall appoint that person as the replacement.

16 (e) One (1) of the election clerks at the polling site may be
17 designated to replace an election judge or election sheriff who fails to
18 appear at his or her polling site at the time designated by the county board
19 of election commissioners on election day.

20 (f) An election clerk may work half-day or split shifts at the polls
21 at any election so long as a sufficient number of poll workers are always
22 present.

23
24 7-4-105. Appointment of personnel for processing absentee ballots and
25 counting and tabulating votes.

26 (a)(1) The county board of election commissioners may appoint as many
27 election clerks as it deems necessary to assist it in the administration of
28 its duties relating to processing absentee ballots and canvassing, counting,
29 tabulating, and certifying the vote.

30 (2) The minority party representative on the county board
31 of election commissioners may appoint at least one (1) election clerk for
32 this purpose.

33 (b) The county clerk and any deputy county clerk may assist the county
34 board of election commissioners in canvassing, counting, tabulating, and
35 certifying the vote, if requested by the county board of election
36 commissioners and approved by the county clerk.

1
2 7-4-106. Duties of the State Board of Election Commissioners.

3 (a) The State Board of Election Commissioners shall:

4 (1) Publish a candidate's election handbook, in conjunction with
5 the Secretary of State and the Arkansas Ethics Commission, that outlines in a
6 readable and understandable format the legal obligations of a candidate and
7 any other suggestions that might be helpful to a candidate in complying with
8 state election law;

9 (2) Conduct training for county election commissioners, county
10 election coordinators, and poll workers;

11 (3) Adopt all necessary rules regarding training conducted by
12 the State Board of Election Commissioners and develop procedures for
13 monitoring attendance;

14 (4) Monitor all legislation related to election laws;

15 (5) Formulate, adopt, and promulgate all necessary rules to
16 assure even and consistent application of voter registration laws and fair
17 and orderly election procedures;

18 (6)(A) Appoint certified election monitors to any county upon a
19 signed, written request under oath filed with the State Board of Election
20 Commissioners and a determination by the State Board of Election
21 Commissioners that appointing a monitor is necessary.

22 (B) Certified election monitors shall serve as observers
23 for the purpose of reporting to the State Board of Election Commissioners on
24 the conduct of the election.

25 (C) The State Board of Election Commissioners may allow
26 for reasonable compensation for election monitors;

27 (7) Assist the county boards of election commissioners in the
28 performance of administrative duties of the election process if the State
29 Board of Election Commissioners determines that assistance is necessary and
30 appropriate;

31 (8)(A) Formulate, adopt, and promulgate all necessary rules to
32 establish uniform and nondiscriminatory administrative complaint procedures
33 consistent with the requirements of Title IV of the federal Help America Vote
34 Act, Pub.L.No. 107-252.

35 (B) The cost of compliance with Title IV of the federal
36 Help America Vote Act, Pub.L.No. 107-252 shall be paid from the fund

1 established to comply with the federal Help America Vote Act, Pub.L.No. 107-
2 252;

3 (9) Investigate alleged violations, render findings, and impose
4 disciplinary action for violations by election officials of laws relating to
5 voter registration and the administration of elections and violations by poll
6 watchers of laws relating to poll watchers;

7 (10) Examine and approve the types of voting machines and
8 electronic vote tabulating devices used in any election; and

9 (11) Administer reimbursement of election expenses to counties
10 as provided by law.

11 (b) The Attorney General shall provide legal assistance to the board
12 in answering questions regarding election laws.

13 (c)(1) The board may appoint a director who may hire a staff.

14 (2) The director shall serve at the pleasure of the board.

15 (3) The board shall set the personnel policies in accordance
16 with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq.,
17 and the Uniform Classification and Compensation Act, § 21-5-201 et seq.

18
19 7-4-107. Election duties of the county clerk.

20 The county clerk shall:

21 (1) Register qualified individuals to vote;

22 (2) Maintain the voter registration list for his or her county
23 pursuant to instructions from the Secretary of State;

24 (3) Conduct early voting as provided by law;

25 (4) Conduct absentee voting as provided by law;

26 (5) Provide the Secretary of State with reports as required by law;

27 and

28 (6) Perform other election duties as required by law.

29
30 7-4-108. Duties of county board of election commissioners.

31 (a) The county board of election commissioners shall:

32 (1) Supervise and direct the county election coordinator in his or her
33 election duties;

34 (2) Establish policies and procedures for the administration of
35 elections in their counties;

36 (3) Conduct elections as required by law with the assistance of the

1 county election coordinator; and

2 (4) Perform other duties as required by law.

3 (b) The county board of election commissioners may delegate any of its
4 election duties and authority to the county election coordinator except with
5 regard to:

6 (1) The establishment of precincts and polling places;

7 (2) The certification of election results;

8 (3) The determination of the validity of ballots; and

9 (4) Its voter registration responsibilities pursuant to
10 Amendment 51 of the Arkansas Constitution.

11
12 7-4-109. Duties of election judges.

13 Each election judge shall:

14 (1) Be present at the polling place from the opening of the poll to
15 the close of the poll and during the time the voting machines, electronic
16 tabulating devices, if any, ballots, returns, and materials are secured for
17 transportation to the central counting location;

18 (2) Be responsible for the management and conduct of the election at
19 the polling place under the direction of the county board of election
20 commissioners; and

21 (3) Perform other duties as assigned or as required by law.

22
23 7-4-110. Duties of election sheriffs.

24 Each election sheriff shall:

25 (1) Be present at the polling place from the opening of the poll to
26 the close of the poll and during the time the voting machines, electronic
27 tabulating devices, if any, ballots, returns, and materials are secured for
28 transportation to the central counting location;

29 (2) Maintain order and ensure enforcement of the election laws under
30 the direction of the county board of election commissioners; and

31 (3) Perform other duties as assigned or as required by law.

32
33 7-4-111. Duties of election clerks.

34 Each election clerk shall:

35 (1) Be present at the polling place during the hours assigned by the
36 county board of election commissioners;

1 (2) Process voters and facilitate voting as required by law;

2 (3) Process absentee ballots canvass, count, and tabulate votes as
3 required by law, if so assigned by the county board of election
4 commissioners; and

5 (4) Perform other duties as assigned or as required by law.

6
7 7-4-112. County election coordinator.

8 (a) Each county shall employ a county election coordinator.

9 (b)(1) The county election coordinator shall be selected by majority
10 vote of a committee composed of the county board of election commissioners,
11 the county judge, and the county clerk.

12 (2) The county election coordinator shall serve as coordinator
13 at the pleasure of and under the supervision and direction of the county
14 board of election commissioners.

15 (3) Not later than ten (10) days after a county election
16 coordinator is selected, the county board of election commissioners shall
17 provide to the Secretary of State, the State Board of Election Commissioners,
18 and all political subdivisions in the county a written document containing
19 the following information:

20 (A) The name of the county election coordinator;

21 (B) The county election coordinator's address;

22 (C) The county election coordinator's telephone number and
23 fax number;

24 (D) The county election coordinator's e-mail address;

25 (E) Contact information for the alternate contact; and

26 (F) Emergency and after-business hours contact
27 information.

28 (c) Each county election coordinator shall receive periodic training
29 provided by the State Board of Election Commissioners.

30 (d)(1) No person shall serve as an election coordinator for a state-
31 funded election unless that person is certified in election administration by
32 the State Board of Election Commissioners.

33 (2) A county shall be subject to the sanctions provided in
34 this section unless its county election coordinator is certified in election
35 administration by the State Board of Election Commissioners.

36 (3) The requirement for certification shall be waived by the

1 State Board of Election Commissioners if:

2 (A) The county board of election commissioners
3 submits a request for waiver;

4 (B) The request for waiver contains an explanation
5 of the reason the county failed to have a qualified, certified county
6 election coordinator;

7 (C) The request for waiver sets out in detail the county's
8 efforts to obtain a qualified, certified county election coordinator;

9 (D) The request for waiver contains a plan for
10 obtaining a certified county election coordinator; and

11 (E) The State Board of Election Commissioners determines
12 that the county has shown good cause for the waiver.

13 (4) The State Board of Election Commissioners shall adopt
14 rules governing certification of county election coordinators.

15 (5) A county that does not employ a certified election
16 coordinator shall not receive any state funding that may be provided for
17 county election coordinators, unless the requirement for certification is
18 waived by the State Board of Election Commissioners.

19 (6) A county that does not employ a certified election
20 coordinator during a state-funded election shall not be reimbursed by the
21 state for eligible state-funded election expenses of the respective election
22 unless the requirement for certification is waived by the State Board of
23 Election Commissioners.

24 (7)(A) Each county board of election commissioners shall certify
25 to the State Board of Election Commissioners the amount of compensation paid
26 to the county election coordinator for services related to elections.

27 (B)(i) A county that receives reimbursement for general
28 election expenses exceeding the amount of compensation paid to the county
29 election coordinator for services related to elections shall spend an amount
30 equal to the excess for the administration of elections in that county.

31 (ii) The county board of election commissioners of a
32 county receiving excess reimbursement shall certify compliance with the
33 requirement of subdivision (d)(7)(B)(i) of this section to the State Board of
34 Election Commissioners in a manner prescribed by the State Board of Election
35 Commissioners.

36 (iii) Failure to comply with the requirements of

1 subdivision (d)(7)(B)(i) of this section shall result in the county
2 forfeiting all or part of its reimbursement for the next state-funded
3 election.

4 (C) The State Board of Election Commissioners shall
5 promulgate rules for administering the requirements of this subdivision
6 (d)(7), including without limitation rules concerning determining excess
7 payments and proper expenditures for excess payments and setting the dates
8 for certification of compensation and compliance.

9 (e)(1) The county election coordinator shall be:

10 (A) A full-time employee of the county whose primary duty
11 is the administration of elections in the county;

12 (B) A part-time employee of the county whose primary duty
13 is the administration of elections in the county; or

14 (C) A contractor engaged to administer elections in the
15 county.

16 (2) Upon the approval of the elected county official, the county
17 election coordinator may be an employee of an elected county official whose
18 primary duty is the administration of elections and who is supervised and
19 directed by the county board of election commissioners with regard to the
20 administration of elections.

21 (f) The county may employ additional staff or utilize existing county
22 employees to assist the county election coordinator.

23
24 7-4-113. Duties of county election coordinators.

25 Each county election coordinator shall:

26 (1) Perform all duties delegated or assigned to the county
27 election coordinator by the county board of election commissioners pursuant
28 to the policies, directives, and authority and under the supervision of the
29 county board of election commissioners;

30 (2) Provide the county board of election commissioners with
31 reports as required by law or by request of the county board of election
32 commissioners; and

33 (3) Perform other duties as assigned or as required by law.

34
35 7-4-114. Single point of contact and alternate.

36 (a) The county election coordinator shall be the single point of

1 contact for election-related communications, filings, and submissions to the
2 county board of election commissioners.

3 (b) The county board of election commissioners shall designate a full-
4 time county employee as the alternate contact to serve as the single point of
5 contact in the absence of the election coordinator.

6
7 7-4-115. County board of election commissioners – Officers – Meetings.

8 (a) The county board of election commissioners shall meet as required
9 by law and as necessary to review and supervise the work of the county
10 election coordinator and for the efficient administration of elections.

11 (b) At the first meeting in each calendar year, the county board of
12 election commissioners shall elect one (1) member chair.

13 (c)(1) Each county election commissioner shall have one (1) vote.

14 (2) Two (2) county election commissioners shall constitute a
15 quorum.

16 (3) The concurring votes of any two (2) members shall decide
17 questions before them, unless otherwise provided by law.

18 (d)(1) The chair shall notify the county election coordinator and the
19 county election commissioners of meetings.

20 (2) Any meeting of two (2) or more county election commissioners
21 when official business is conducted shall be public and held pursuant to the
22 Arkansas Freedom of Information Act, § 25-19-101 et seq.

23 (3) The county board of election commissioners shall keep
24 minutes of all meetings when official business is conducted, and the minutes
25 shall be filed of record with the county clerk.

26 (e)(1) The county board of election commissioners of each county shall
27 maintain a record of all funds the county board of election commissioners
28 receives and all expenditures of the county board of election commissioners.

29 (2) These records shall be open to the public under the Arkansas
30 Freedom of Information Act, § 25-19-101 et seq.

31
32 7-4-116. Qualifications of members of the State Board of Election
33 Commissioners, county boards of election commissioners, election sheriffs,
34 election judges, and election clerks.

35 (a) A member of the State Board of Election Commissioners shall:

36 (1) Be a resident of the state;

1 (2) Be a registered voter in the county where he or she resides;

2 (3) Be able to read and write the English language;

3 (4) Except for the Secretary of State and the county clerk, not
4 be a candidate for a civil office to be filled at any election while serving
5 as an election official;

6 (5) Not be a paid employee of any political party or of any
7 person running for any civil office;

8 (6) Except for the Secretary of State and county clerk, not hold
9 an elective civil office; and

10 (7) Not have had a judgment of conviction filed as to the
11 violation of any election law of this state.

12 (b) A member of the county board of election commissioners shall:

13 (1) Be a resident and registered voter in the county;

14 (2) Be able to read and write the English language;

15 (3) Not be a candidate for a civil office to be filled at
16 any election while serving as an election official;

17 (4) Not be a paid employee of any political party or any
18 person running for any civil office on the county ballot;

19 (5) Not hold an elective civil office; and

20 (6) Not have had a judgment of conviction filed as to the
21 violation of any election law of this state.

22 (c) An election judge, election sheriff, and election clerk shall:

23 (1) Be a resident and registered voter in the county;

24 (2) Be a resident of the precinct served by the polling site
25 where he or she is assigned by the county board of election commissioners,
26 unless the county board of election commissioners finds by unanimous vote
27 that the efficient administration of the election requires the use of
28 nonresidents in any polling site and certifies that finding to the county
29 clerk in which case other qualified residents of the county may serve;

30 (3) Be able to read and write the English language;

31 (4) Not be a candidate for a civil office to be filled at
32 any election while serving as an election official;

33 (5) Not be a paid employee of any political party or any
34 person running on the county ballot for any civil office;

35 (6) Not hold an elective civil office; and

36 (7) Not have had a judgment of conviction filed as to the

1 violation of any election law of this state.

2
3 7-4-117. Qualifications of election coordinators.

4 A county election coordinator shall:

5 (1) Be able to read and write the English language;

6 (2) Not be a candidate for any office or party position to be filled
7 at any election while serving as an election official;

8 (3) Not be a paid employee of any political party;

9 (4) Not hold an elective civil office or any office or position
10 in a political party or group; and

11 (5) Be certified in election administration by the State Board of
12 Election Commissioners.

13
14 7-4-118. Disqualification.

15 (a)(1)(A) A county election coordinator, election judge, election
16 sheriff, election clerk, or member of a county board of election
17 commissioners who is the spouse, parent, father-in-law, mother-in-law, child,
18 son-in-law, daughter-in-law, grandparent, grandchild, brother, sister,
19 brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate
20 to be voted for at the election shall be disqualified if challenged by any
21 registered voter of the county.

22 (B) An election judge, election sheriff, election clerk,
23 or a member of the county board of election commissioners who is an employee
24 of the United States, the State of Arkansas, or any city shall be
25 disqualified if challenged by a registered voter of the county.

26 (2)(A) No later than fifteen (15) days before the election, the
27 county board of election commissioners shall file with the county clerk, and
28 the county clerk shall post in a public place in the county clerk's office
29 the list containing the names of the election judges, election sheriffs,
30 election clerks, county election coordinator, and members of the county board
31 of election commissioners.

32 (B) The document containing the list shall also include
33 notice of the procedure for challenging the qualifications of the election
34 officials included on the list.

35 (3) The challenge of an election judge, election sheriff, or
36 election clerk shall be delivered in writing to the county election

1 coordinator no later than the close of business of the clerk's office five
2 (5) days after the list of election officials is posted at the county clerk's
3 office and the county election coordinator shall immediately transmit the
4 challenge to the county board of election commissioners.

5 (4) If the county board of election commissioners determines
6 that the challenged election judge, sheriff, or clerk is disqualified, the
7 county board of election commissioners shall revoke the appointment of the
8 disqualified poll worker and, if necessary, appoint an additional qualified
9 poll worker if needed for the efficient administration of the election.

10 (5)(A) The challenge of a member of the county board of election
11 commissioners or the county election coordinator shall be delivered in
12 writing to the county clerk, no later than the close of business of the
13 county clerk's office five (5) days after the list of election officials is
14 posted at the county clerk's office.

15 (B) The county clerk shall immediately notify the
16 challenged election official and the prosecuting attorney of the challenge.

17 (C) The challenged member of the county board of election
18 commissioners or the county election coordinator shall resign his or her
19 respective position during the time of the relevant election if the challenge
20 is true and proper.

21 (D) The prosecuting attorney shall remove from office for
22 the duration of the relevant election any properly challenged election
23 official who does not resign his or her position as required by this section.

24 (b) This section does not disqualify a person if the candidate to whom
25 the person is related is an unopposed candidate.

26
27 7-4-119. Training of election officials.

28 (a)(1) The State Board of Election Commissioners shall establish
29 programs to train county election commissioners, county election
30 coordinators, and election judges, election sheriffs, and election clerks in
31 the administration of elections in this state.

32 (2) The board shall provide curriculum materials to county
33 election coordinators to train poll workers regarding their duties.

34 (3) At least one (1) poll worker at each polling place shall
35 have attended training coordinated by the State Board of Election
36 Commissioners.

1 (b)(1) The State Board of Election Commissioners shall establish a
2 certification program in election administration for county election
3 coordinators.

4 (2) Certificates in election administration shall be
5 granted by the board to those participants who complete a course of training
6 and pass a rigorous test prescribed by the board.

7 (3) The course of training shall include instruction on all
8 aspects of election administration, voting systems that are currently used in
9 the state, and any other training related to the administration of elections
10 as may be prescribed by the State Board of Election Commissioners.

11 (4) The board shall administer the test pursuant to rules
12 promulgated for that purpose.

13
14 7-4-120. Complaints of election law violations.

15 (a)(1) The State Board of Election Commissioners may investigate
16 alleged violations, render findings, and impose disciplinary action according
17 to this subchapter for violations by election officials of laws regarding the
18 administration of elections and voter registration and violations by poll
19 watchers of laws regarding poll watchers.

20 (2) For purposes of subdivision (a)(1) of this section, the
21 board may file a complaint.

22 (3) A complaint shall be filed with the board in writing within
23 thirty (30) days of an alleged voter registration violation or the election
24 associated with the complaint.

25 (4) A complaint shall clearly state:

26 (A) The alleged election administration or
27 registration irregularity or illegality;

28 (B) When and where the alleged activity occurred;

29 (C) The supporting facts surrounding the
30 allegations; and

31 (D) The desired resolution.

32 (5) A complaint shall be signed by the complainant under penalty
33 of perjury.

34 (6)(A) Filing a frivolous complaint is considered a violation of
35 this subchapter.

36 (B) As used in this section, "frivolous" means clearly

1 lacking any basis in fact or law.

2 (b)(1) Upon receipt by the board of a written complaint signed under
3 penalty of perjury stating facts constituting a violation of election
4 administration or voter registration laws under its jurisdiction, the board
5 shall proceed to investigate the alleged violation.

6 (2) The board may determine that:

7 (A) The complaint can be disposed of through documentary
8 submissions; or

9 (B) Further investigation is necessary.

10 (3) The board may forward the complaint, along with the
11 information and documentation as deemed appropriate, to the proper
12 authority.

13 (4)(A) If the board determines that an investigation is
14 necessary, the board shall provide the election official or poll watcher
15 against whom the complaint is lodged, a copy of the complaint with
16 instructions regarding the opportunity to respond to the complaint.

17 (B) The board may administer oaths for the purpose of
18 taking sworn statements from any person thought to have knowledge of any
19 facts pertaining to the complaint.

20 (C) The board may request the election official or poll
21 watcher against whom the complaint is lodged to:

22 (i) Answer allegations in writing;

23 (ii) Produce relevant evidence; or

24 (iii) Appear in person before the board.

25 (D) The board may subpoena any person or the books,
26 records, or other documents relevant to an inquiry by the board that are
27 being held by any person and take sworn statements.

28 (E) The board shall provide the subject of the subpoena
29 with reasonable notice of the subpoena and an opportunity to respond.

30 (F) The board shall advise in writing the complainant and
31 the election official or poll watcher against whom the complaint is lodged of
32 the final action taken.

33 (c) If the board finds that probable cause exists for finding a
34 violation of election laws or voter registration laws under its jurisdiction,
35 the board may determine that a full public hearing be called.

36 (d) If the board finds a violation of election laws or voter

1 registration laws under its jurisdiction, then the board may do one (1) or
2 more of the following:

3 (1) Issue a public letter of caution, warning, or reprimand;

4 (2) Impose a fine of not less than twenty-five dollars (\$25.00)
5 nor more than one thousand dollars (\$1,000) for each negligent or intentional
6 violation;

7 (3) Report its findings, along with the information and
8 documents as it deems appropriate, and make recommendations to the proper law
9 enforcement authorities;

10 (4) Remove a member of the county board of election
11 commissioners from office if the State Board of Election Commissioners finds
12 a violation and determines that the member is unwilling to fulfill or is
13 incapable of fulfilling his or her responsibilities as an election
14 commissioner;

15 (5) Revoke a certified county election coordinator's certification if
16 the State Board of Election Commissioners finds that the coordinator is
17 unwilling to fulfill or is incapable of fulfilling his or her
18 responsibilities as coordinator; and

19 (6) Assess costs for the investigation and hearing.

20 (e)(1) The board shall adopt rules governing the imposition of fines
21 and other sanctions in accordance with the provisions of the Arkansas
22 Administrative Procedure Act, § 25-15-201 et seq.

23 (2)(A) The board may file suit in the Pulaski County Circuit
24 Court or in the circuit court of the county in which the debtor resides or in
25 the small claims division of any district court in the State of Arkansas to
26 obtain a judgment for the amount of any fine imposed according to its
27 authority.

28 (B) The action by the court shall not involve further
29 judicial review of the board's actions.

30 (C) The fee normally charged for the filing of a suit in
31 any of the circuit courts or district courts in the State of Arkansas shall
32 be waived on behalf of the board.

33 (3) All moneys received by the board in payment of fines shall
34 be deposited into the State Treasury as general revenues.

35 (f)(1) The board shall complete its investigation of a complaint filed
36 under this section and take final action within one hundred eighty (180) days

1 of the filing of the complaint.

2 (2) However, if a hearing under subsection (c) of this section
3 is conducted, all action on the complaint by the board shall be completed
4 within two hundred forty (240) days.

5 (3) Any final action of the board under this section shall
6 constitute an adjudication for purposes of judicial review under § 25-15-212.

7 (g)(1) The board shall keep a record of all inquiries, investigations,
8 and proceedings.

9 (2) Records relating to investigations by the board are exempt
10 from the Arkansas Freedom of Information Act, § 25-19-101 et seq., until a
11 hearing is set or the director's investigation is closed.

12 (3) The board may disclose, through its members or staff,
13 otherwise confidential information to proper law enforcement officials,
14 agencies, and bodies as may be required to conduct its investigation.

15
16 7-4-121. Assistance of prosecuting attorney.

17 (a) The county board of election commissioners and the county election
18 coordinator may call upon the prosecuting attorney or his or her deputy or
19 the county attorney for legal opinions, advice, or assistance in defending,
20 commencing, or appealing civil actions at law and equity.

21 (b) The county attorney or prosecuting attorney shall defend any civil
22 lawsuit brought against the county board of election commissioners, or its
23 members, and the county election coordinator if they are sued in regard to
24 acts or omissions made during the course of their official duties.

25
26 7-4-122. Oath of poll workers.

27 (a) The poll workers, before entering on their duties, shall take,
28 before some person authorized by law to administer oaths, the following
29 oath:

30
31 "I, , do swear that I will perform the duties of an
32 election [judge, sheriff, or clerk, as the case may be] of this election
33 according to law and to the best of my abilities, and that I will studiously
34 endeavor to prevent fraud, deceit, and abuse in conducting the same, and that
35 I will not disclose how any voter has voted, unless required to do so as a
36 witness in a judicial proceeding or a proceeding to contest an election."

1 (b) In case there shall be no person present at the opening of an
2 election authorized to administer oaths, it shall be lawful for the poll
3 workers to administer the oath to each other, and the poll workers may
4 administer all oaths that are necessary in conducting any election.

5
6 7-4-123. Compensation of members of county boards of election
7 commissioners and poll workers – Reimbursement for delivery of election
8 materials and equipment.

9 (a) Each member of the county board of election commissioners shall
10 receive for his or her services the sum of not less than twenty-five dollars
11 (\$25.00) per public meeting when official business is conducted and for any
12 day while performing any proper business of the county board of election
13 commissioners relating to the administration of elections.

14 (b) Election judges, election sheriffs, and election clerks shall
15 receive at least the prevailing minimum wage for holding an election or such
16 greater amount as appropriated.

17 (c) A qualified person appointed by the county board of election
18 commissioners who carries election materials and equipment to and from the
19 polling sites shall be allowed compensation for services and mileage at such
20 rate as may be appropriated but not to exceed the rate prescribed for state
21 employees in state travel regulations.

22
23 7-4-124. Compensation for county election coordinators.

24 The county election coordinator shall be compensated in an amount to be
25 determined by the quorum court.

26
27 7-4-125. Election poll workers program for high school students.

28 (a)(1) The county board of election commissioners may conduct a
29 special election day program for high school students in one (1) or more
30 polling places designated by the county board of election commissioners.

31 (2) The high school students shall be selected by the county
32 board of election commissioners in cooperation with the local high school
33 principal, the local 4-H club, the local Boy Scouts of America troop, the
34 local Girl Scouts of America troop, or any other local organization for young
35 persons designated by the county board of election commissioners.

36 (3)(A) A high school student selected for this program who is

1 not eighteen (18) years of age by the election day in which he or she is
2 participating shall be called an election page.

3 (B) A high school student selected for this program who is
4 eighteen (18) years of age by the election day in which he or she is
5 participating and meets the qualifications of a poll worker may be a poll
6 worker.

7 (b) The program shall be designed to:

8 (1) Stimulate the student's interest in elections and
9 registering to vote;

10 (2) Provide assistance to the poll workers; and

11 (3) Assist elderly voters and voters with disabilities in
12 entering and exiting the polling place.

13 (c)(1) Each student selected as an election page shall:

14 (A) Be excused from school while working as an election
15 page;

16 (B) Serve under the direct supervision of the poll workers
17 at his or her assigned polling place; and

18 (C) Observe strict impartiality at all times.

19 (2) An election page may observe the electoral process and seek
20 information from the poll workers but shall not handle or touch ballots,
21 voting machines, or any other official election materials or enter any voting
22 booth.

23 (3) An election page shall be in a volunteer position and he or
24 she shall not receive any compensation for performing his or her duties.

25 (4) Before beginning any duties, an election page shall take,
26 before an election officer, the following oath:

27
28 "I, _____, do swear that I will perform the duties of an election page
29 of this election according to law and to the best of my abilities, and that I
30 will studiously endeavor to prevent fraud, deceit, and abuse, and that I will
31 not disclose how any voter has voted, unless required to do so as a witness
32 in a judicial proceeding or a proceeding to contest an election."

33 (d)(1) Each student selected to be a poll worker shall:

34 (A) Take the oath of poll workers;

35 (B) Serve under the supervision of the appropriate county
36 board of election commissioners;

1 (C) Observe strict impartiality at all times; and

2 (D) Be excused from school while working as a poll worker.

3 (2) A high school student selected to be a poll worker may be
4 compensated as a poll worker if the county board of election commissioners
5 determines that the high school student selected to be a poll worker should
6 be compensated.

7
8 7-4-126. Election poll workers program for college students.

9 (a)(1) The county board of election commissioners may conduct an
10 election day program for college students in one (1) or more polling places
11 designated by the county board of election commissioners.

12 (2)(A) The college students shall be selected by the county
13 board of election commissioners from any two-year or four-year college or
14 university in the state.

15 (B) The county board of election commissioners shall work
16 in cooperation with the student government associations of the colleges and
17 universities in selecting the students for the program and conducting
18 seminars concerning election procedures for students interested in the
19 program.

20 (3)(A) A college student selected for this program who is not
21 eighteen (18) years of age by the election day in which he or she is
22 participating shall be called an election page.

23 (B) A college student selected for this program who is
24 eighteen (18) years of age by the election day in which he or she is
25 participating and meets the qualifications of a poll worker shall be a poll
26 worker.

27 (b) The program shall be designed to:

28 (1) Stimulate the student's interest in elections and in
29 registering to vote;

30 (2) Provide assistance to the poll workers; and

31 (3) Assist elderly voters and voters with disabilities in
32 entering and exiting the polling place.

33 (c)(1) Each student selected as an election page shall:

34 (A) Serve under the direct supervision of the poll workers
35 at his or her assigned polling place; and

36 (B) Observe strict impartiality at all times.

1 (2) An election page may observe the electoral process and seek
2 information from the poll workers but shall not handle or touch ballots,
3 voting machines, or any other official election materials or enter any voting
4 booth.

5 (3) An election page shall be in a volunteer position and he or
6 she shall not receive any compensation for performing his or her duties.

7 (4) Before beginning any duties, an election page shall take,
8 before an election officer, the following oath:

9
10 "I, _____, do swear that I will perform the duties of an election page
11 of this election according to law and to the best of my abilities, and that I
12 will studiously endeavor to prevent fraud, deceit, and abuse, and that I will
13 not disclose how any voter has voted unless required to do so as a witness in
14 a judicial proceeding or a proceeding to contest an election."

15 (d)(1) Each student selected to be a poll worker shall:

16 (A) Take the oath of the poll workers;

17 (B) Serve under the supervision of the appropriate county
18 board of election commissioners; and

19 (C) Observe strict impartiality at all times.

20 (2) A college student selected to be a poll worker shall be
21 compensated as a poll worker.

22
23 7-4-127. Lists of county committee chairs – Notification of vacancies.

24 (a)(1) It shall be the duty of all recognized political parties to
25 keep on file with their respective state chair a complete list of all of
26 their county chairs.

27 (2) It shall be the duty of the county chair of each recognized
28 political party to keep on file with the Secretary of State a letter stating
29 the name of the county chair.

30 (3) It shall be the duty of the county secretary to notify
31 promptly the Secretary of State of the death, resignation, disqualification,
32 or vacancy in the office of any county chair and of the selection of a new
33 chair to fill the vacancy.

34 (b) It shall be the duty of the Secretary of State to keep the letters
35 containing the names of each county chair of each recognized political party
36 as public records open at all times to public inspection.

1
2 SECTION 3. Arkansas Code § 7-5-104 is amended to read as follows:

3 7-5-104. Election expenses – Allocation.

4 a)(1) The cost of general elections shall be borne by the State of
5 Arkansas.

6 ~~(2) All expenses~~ The cost of general elections for presidential,
7 ~~congressional, state, district, county, township, or municipal offices in~~
8 ~~this state shall be paid by the counties in which they are held~~ paid from an
9 appropriation made to the State Board of Election Commissioners for that
10 purpose.

11 ~~(2)(3) However, any city or incorporated town shall reimburse~~
12 ~~the county board of election commissioners for the expenses of the elections~~
13 ~~in an amount equal to a figure derived by multiplying fifty percent (50%) of~~
14 ~~the total cost of each election by a fraction, the numerator of which shall~~
15 ~~be the number of voters from the city or incorporated town casting ballots in~~
16 ~~each election prepared by the county board, and the denominator of which~~
17 ~~shall be the total number of voters casting ballots in each election~~ the
18 State Board of Election Commissioners may withhold reimbursement of funds to
19 the counties for state-funded elections for failure to comply with the rules
20 developed by the State Board of Election Commissioners for the administration
21 of elections or applicable state election laws until all requirements are met
22 to the satisfaction of the State Board of Election Commissioners.

23 (4) The State Board of Election Commissioners may adopt rules
24 for the administration and compensation of elections consistent with this
25 chapter.

26 (b)(1) ~~Except for the expense of party primary elections under § 7-7-~~
27 ~~201 et seq., all expenses~~ Expenses for special elections, including runoff
28 ~~elections as required by law, for congressional, state, district, county, and~~
29 ~~township offices shall be paid by the counties in which they are held~~ called
30 by the state shall be paid from an appropriation made to the State Board of
31 Election Commissioners for that purpose.

32 (2) All expenses of special elections, including any runoff
33 elections as required by law, for municipal offices shall be paid by the city
34 or incorporated town calling for the elections.

35 (3)(A) All expenses for runoff elections following the general
36 election for county offices and municipal offices under § 7-5-106 shall be

1 paid by the county in which it is held.

2 (B) However, a city or incorporated town shall reimburse
 3 the county board of election commissioners for the expenses of the elections
 4 in an amount equal to a figure derived by multiplying fifty percent (50%) of
 5 the total cost of each election by a fraction, the numerator of which is the
 6 number of voters from the city or incorporated town casting ballots in each
 7 election prepared by the county board of election commissioners and the
 8 denominator of which is the total number of voters casting ballots in each
 9 election.

10 (4) All expenses of special elections called by any county
 11 for the purpose of referring a question or measure to the voters of the
 12 county shall be paid by the county.

13 ~~(4)~~(5) All expenses of special elections called by any city or
 14 incorporated town for the purpose of referring a question or measure to the
 15 voters of the city or incorporated town shall be paid by the city or
 16 incorporated town.

17
 18 *SECTION 4. Arkansas Code Title 19, Chapter 5, Subchapter 12 is amended*
 19 *to add an additional section to read as follows:*

20 19-5-1236. General Elections Reimbursement Fund.

21 (a) There is established on the books of the Treasurer of State, the
 22 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
 23 known as the "General Elections Reimbursement Fund".

24 (b)(1) The fund shall consist of filing and indexing fees collected
 25 under:

26 (A) § 4-9-525(a)(1);

27 (B) § 4-9-525(b)(6);

28 (C) § 4-9-525(d)(1) and (2); and

29 (D) Other funds as may be appropriated.

30 (2) The fund shall be used to cover the cost of general election
 31 expenses of the State Board of Election Commissioners under § 7-5-104.

32
 33 *SECTION 5. TEMPORARY LANGUAGE – DO NOT CODIFY. (a) The requirements*
 34 *of § 7-4-112(a) and (d) and § 7-5-104, as amended herein, are not mandatory*
 35 *until May 21, 2012, unless appropriation and funding is authorized by law in*
 36 *the amount of at least one million five hundred thousand dollars (\$1,500,000)*

1 from the General Improvement Fund to the State Board of Election
2 Commissioners to reimburse the counties for costs of conducting the general
3 election in 2010.

4 (b) If the funding under subsection (a) of this section is provided, §
5 7-4-112(a) and (d) and § 7-5-104, as amended herein, are mandatory as of May
6 18, 2010.

7
8 SECTION 6. Acts 2003, No. 1473, § 3, concerning the requirement that
9 the Secretary of State periodically report the number of filing and indexing
10 fees collected, is amended to read as follows:

11 The Secretary of State shall ~~report~~ periodically remit to the Treasurer of
12 State the ~~number of~~ filing and indexing fees collected under Arkansas Code §
13 4-9-525(a)(1) ~~during the period from July 1, 2001, through June 30, 2013, and~~
14 the Treasurer of State shall deposit ~~twelve dollars (\$12.00) of every such~~
15 fee ~~in a separate account for the benefit of those circuit clerks who qualify~~
16 ~~under this section~~ into the General Elections Reimbursement Fund. The
17 ~~proceeds in the account shall be distributed by the Treasurer of State at~~
18 ~~least quarterly to the county recorder cost fund of the counties of~~
19 ~~qualifying circuit clerks in the proportion that the total of the filing and~~
20 ~~indexing fees (other than fees charged solely for filing records related to~~
21 ~~collateral which is equipment used in farming operations, or farm products,~~
22 ~~or accounts or general intangibles arising from or relating to the sale of~~
23 ~~farm products by a farmer or crops growing or to be grown) collected by each~~
24 ~~qualifying clerk in calendar year 1999 under former chapter 9 of the Uniform~~
25 ~~Commercial Code bears to the total of those same filing and indexing fees~~
26 ~~collected by all qualified distributees. Said calculations shall be~~
27 ~~determined in a reasonable manner. The clerks qualified to share in these~~
28 ~~distributions shall be the circuit clerks of the counties who file with the~~
29 ~~Treasurer of State no later than September 1, 2001 a sworn record stating the~~
30 ~~total amount of the relevant indexing and filing fees of the kind described~~
31 ~~in this section collected by said clerks in 1999, and the Treasurer of State~~
32 ~~shall use these sworn records in computing the pro rata share of each~~
33 ~~qualified distributee~~ The fund shall be used by the State Board of Election
34 Commissioners to cover the reimbursement of election expenses.

35
36 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly of the State of Arkansas that with the implementation of new
2 election procedures, the funds that will proceed from the establishment of
3 the new fund established by this act are necessary to pay for general
4 elections; and that this act is immediately necessary in order to implement
5 the new procedures for election administration so that the procedures are in
6 place for the upcoming elections. Therefore, an emergency is declared to
7 exist and this act being necessary for the preservation of the public peace,
8 health, and safety shall become effective on May 1, 2009.

9
10 /s/ Saunders
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