

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 582

5 By: Senators K. Hammer, M. Johnson  
6 By: Representatives Ladyman, Barker, Beaty Jr., Beck, Bentley, M. Berry, S. Berry, Boyd, Bragg,  
7 Brooks, Brown, Carr, Cavanaugh, Christiansen, Cloud, Coleman, C. Cooper, Cozart, Crawford, Dalby,  
8 M. Davis, Eaves, Eubanks, Evans, L. Fite, Gazaway, Gonzales, M. Gray, Haak, Hawks, Hollowell,  
9 Lowery, Lundstrum, Maddox, McCollum, McGrew, McNair, S. Meeks, Payton, Penzo, Pilkington,  
10 Richmond, Rye, B. Smith, S. Smith, Speaks, Vaught, Warren, Watson, Wing, Wooten  
11

## For An Act To Be Entitled

12  
13 AN ACT TO AMEND ARKANSAS LAW CONCERNING COUNTY BOARDS  
14 OF ELECTION COMMISSIONERS; TO AMEND HOW COUNTY BOARDS  
15 OF ELECTION COMMISSIONERS TAKE THE OATH; AMEND THE  
16 LAW CONCERNING COMPLAINTS FOR ELECTION LAW  
17 VIOLATIONS; TO AMEND ARKANSAS LAW CONCERNING  
18 ELECTIONS; TO AMEND THE LAW CONCERNING POLL WORKERS;  
19 AND FOR OTHER PURPOSES.  
20

## Subtitle

21  
22  
23 TO AMEND ARKANSAS LAW CONCERNING COUNTY  
24 BOARDS OF ELECTION COMMISSIONERS; TO  
25 AMEND HOW COUNTY BOARDS OF ELECTION  
26 COMMISSIONERS TAKE THE OATH; AND TO AMEND  
27 THE LAW CONCERNING COMPLAINTS FOR  
28 ELECTION LAW VIOLATIONS.  
29

30  
31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
32

33 SECTION 1. Arkansas Code § 7-4-102(b)(2) and (3), concerning the oath  
34 and election of members of county boards of election commissioners, are  
35 amended to read as follows:

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



1 to each of the county election commissioners, by registered mail, ~~notice to~~  
2 ~~appear before the clerk~~ within thirty (30) days of selection as a county  
3 election commissioner, a notice to take and subscribe to the oath prescribed  
4 by the Arkansas Constitution.

5 (B) A county election commissioner shall take the oath  
6 before:

7 (1) A justice or judge of the:

8 (i) Supreme Court;

9 (ii) Court of Appeals;

10 (iii) Circuit court;

11 (iv) District court; or

12 (v) County court;

13 (2) The county clerk;

14 (3) The clerk of the circuit court; or

15 (4) A justice of the peace.

16 (3) The oath shall be filed in the office of the county clerk  
17 and the county clerk shall forward a duplicate ~~forwarded~~ to the Secretary of  
18 State.

19  
20 SECTION 2. Arkansas Code § 7-4-107(b)(2)(B), concerning the duties of  
21 the county board of election commissioners, is amended to read as follows:

22 (B)(i) The election judge shall serve as the poll  
23 supervisor.

24 (ii) No election judge shall serve in the same  
25 precinct as a spouse, parent, stepparent, child, stepchild, sibling, or  
26 stepsibling, unless they serve on separate shifts that do not run  
27 concurrently or in other duties as assigned unless approved by the county  
28 board of election commissioners.

29  
30 SECTION 3. Arkansas Code § 7-4-107, concerning the duties of the  
31 county board of election commissioners, is amended to add an additional  
32 subsection to read as follows:

33 (d) A county board of election commissioners may enact policies  
34 pursuant to the official duties of the county board of election commissioners  
35 under Arkansas law.

1 SECTION 4. Arkansas Code § 7-4-109(a), concerning the qualifications  
 2 of state and county commissioners, election officials, poll workers, and  
 3 certified election monitors, is amended to add an additional subdivision to  
 4 read as follows:

5 (4) Candidates, members of a candidate’s immediate family to the  
 6 second degree of kinship by affinity or consanguinity, and any member of a  
 7 candidate’s principal campaign committee are ineligible for appointment  
 8 unless otherwise exempted by the county board of election commissioners.

9  
 10 SECTION 5. Arkansas Code § 7-4-109(b)(2), concerning the  
 11 qualifications of state and county commissioners, election officials, poll  
 12 workers, and certified election monitors, is amended to read as follows:

13 (2)(A) An election official shall be a resident of the ~~precinct~~  
 14 county in which he or she serves at the time of his or her appointment.

15 (B) ~~However, if at the time of posting election officials~~  
 16 ~~the county board of election commissioners votes unanimously and certifies to~~  
 17 ~~the county clerk that it is impossible to obtain a qualified election~~  
 18 ~~official from any precinct in the county, another qualified citizen of the~~  
 19 ~~county may be designated to serve in the precinct.~~

20 ~~(C)~~ An election coordinator, deputy clerk, ~~or~~ person  
 21 assigned by a county clerk, or person assigned by the county board of  
 22 election commissioners to conduct early voting does not have to be a resident  
 23 of the precinct or county in which he or she serves.

24  
 25 SECTION 6. Arkansas Code § 7-4-109(c)(2), concerning the  
 26 qualifications of state and county commissioners, election officials, poll  
 27 workers, and certified election monitors, is amended to read as follows:

28 (2)(A) Except as provided in subdivision (c)(2)(B) of this  
 29 section, a person ~~-serving on the county board of election commissioners~~ shall  
 30 not participate in the campaign of any candidate listed on a ballot or of a  
 31 write-in candidate seeking election in that county that falls under the  
 32 county board of election commissioners’ jurisdiction or authority if a person  
 33 is:

34 (i) Serving on the county board of election  
 35 commissioners;

36 (ii) Designated as county election staff;

- 1                   (iii) A deputy county clerk;
- 2                   (iv) A temporary employee of the county clerk
- 3 working on election matters;
- 4                   (v) Serving as a county election coordinator; or
- 5                   (vi)(a) A county clerk.
- 6                   (b) A county clerk is eligible to participate
- 7 in a campaign if the county clerk is a candidate.

8                   ~~(B)(i) A member of the county board of election~~  
 9 ~~commissioners~~ person who shall not participate in the campaign of any  
 10 candidate identified in subdivision (c)(2)(A) of this section shall not:

- 11                   (a) Manage a campaign;
- 12                   (b) Perform labor for a campaign;
- 13                   (c) Solicit on behalf of a candidate or
- 14 campaign;
- 15                   (d) Pass out or place handbills, signs, or
- 16 other literature concerning a candidate's campaign;
- 17                   (e) Assist a candidate's campaign at a rally
- 18 or parade; ~~or~~
- 19                   (f) Display candidate placards or signs on an
- 20 automobile; or
- 21                   (g) Campaign on ballot issues.

22                   (ii) A member of the county board of election  
 23 commissioners may:

- 24                   (a) Make a financial contribution to a
- 25 candidate;
- 26                   (b) Attend a political party's state,
- 27 district, or county meeting where a candidate or issue advocate speaks as a
- 28 member of the audience; or
- 29                   (c) Participate in a political party
- 30 convention.

31  
 32                   SECTION 7. Arkansas Code § 7-4-109(d), concerning the qualifications  
 33 of state and county commissioners, election officials, poll workers, and  
 34 certified election monitors, are amended to read as follows:

35                   (d) A person shall not serve as an election official if:

- 36                   (1) The person is married to or related within the second degree

1 of consanguinity to a candidate running for office in the election; and

2 (2) The spouse of a member of a county board of election  
3 commissioners;

4 (3) A county party chair or his or her spouse;

5 (4) Another person makes an objection to his or her service to  
6 the county board of election commissioners within ten (10) calendar days  
7 after posting the list of officials.

8  
9 SECTION 8. Arkansas Code § 7-4-109(e)(1)(C) and (D), concerning the  
10 qualifications of state and county commissioners, election officials, poll  
11 workers, and certified election monitors, are amended to read as follows:

12 (C) A poll worker; ~~and~~

13 (D) A certified election monitor; and

14 (E) A county election coordinator.

15  
16 SECTION 9. Arkansas Code § 7-4-109(e), concerning the qualifications  
17 of state and county commissioners, election officials, poll workers, and  
18 certified election monitors, is amended to add additional subdivisions to  
19 read as follows:

20 (4)(A) A county board of election commissioners by a majority  
21 vote shall designate a person to attend the required training as a county  
22 election coordinator.

23 (B) The State Board of Election Commissioners shall not  
24 provide training or compensation for attending training to a county election  
25 coordinator if the county election coordinator has not been designated by a  
26 county board of election commissioners.

27 (5)(A) The State Board of Election Commissioners shall identify  
28 at least one (1) person each year, who shall receive the same training as a  
29 county election coordinator, and who shall receive compensation for attending  
30 training.

31 (B) The person identified by the State Board of Election  
32 Commissioners may be a state employee being cross-trained, or a person who is  
33 not a state employee that the State Board of Election Commissioners considers  
34 qualified to become an acting county election coordinator as a special  
35 employee of the State Board of Election Commissioners.

36

1 SECTION 10. Arkansas Code § 7-5-202(a)(2), concerning service as an  
2 election official, deputy county clerk, or additional deputy, is repealed.

3 ~~(2)(A) A person shall not serve as an election official if:~~

4 ~~(i) The person is:~~

5 ~~(i) Married to or related within the second degree~~  
6 ~~of consanguinity to a candidate running for office in the election;~~

7 ~~(ii) The spouse of a member of a county board of~~  
8 ~~election commissioners; or~~

9 ~~(iii) A county party chair or his or her spouse; and~~

10 ~~(B) Another person makes an objection to his or her~~  
11 ~~service to the county board of election commissioners within ten (10)~~  
12 ~~calendar days after posting the list of officials.~~

14 SECTION 11. Arkansas Code § 7-5-414(b), concerning the qualifications  
15 and appointment of election clerks, is amended to add additional subdivisions  
16 to read as follows:

17 (3) No election clerk shall serve in the same precinct as a  
18 spouse, parent, stepparent, child, stepchild, sibling, or stepsibling, unless  
19 they serve on separate shifts that do not run concurrently or in other duties  
20 as assigned unless approved by the county board of election commissioners.

21 (4)(A) Election clerks working in groups of two shall not be  
22 from the same political party.

23 (B) If an election clerk with a political affiliation that  
24 is the same as a political party represented on the county board of election  
25 commissioners is unavailable, the county board of election commissioners  
26 shall select an election clerk without party affiliation, with the party  
27 affiliation of a new political party, or with the party affiliation of  
28 another political party not represented on the county board of election  
29 commissioners.

30 (C) The county board of election commissioners may approve  
31 alternate election clerks that do not meet the requirements of subdivisions  
32 (b)(4)(A) and (B) of this section by a majority vote of the county board of  
33 election commissioners.