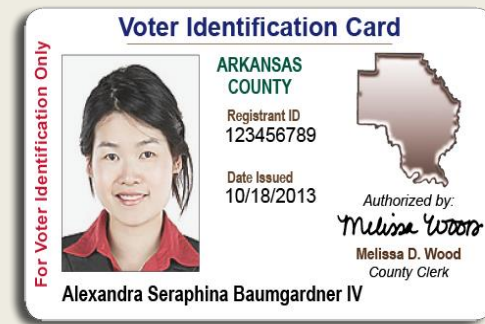


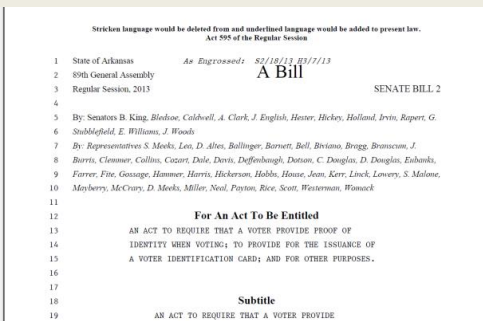
Welcome



State Board of Election Commissioners



2014 ADVANCED TRAINING for County Boards of Election Commissioners



Training Topics

- Voter ID
- Absentee Voting
- Precincts/Polling Places
- Additional Important Information



VOTER ID

Act 595 (Effective January 1, 2014)

At the polls

Voters **at the polls** must show “proof of identity” (**POI**), which is a document or identification card that shows the **name** and **photograph** of the person to whom it was issued and is **issued by**:

- **The United States,**
- **The State of Arkansas,**
- **The county clerk, or**
- **An accredited postsecondary educational institution in the State of Arkansas**
- If the **POI** displays an expiration date, it must **either not be expired or expired no more than four years before the date of the election** in which the person seeks to vote.

VOTER ID

Driver's License



College ID

U.S. Passport



Military ID

Concealed Carry Permit



State or Federal Employee Badge

VOTER ID

At the polls

- **EXCEPTION:** Voters who reside in a long-term care or residential care facility licensed by the state may show **documentation from the administrator** attesting that the voter is a resident of the facility instead of proof of identity.

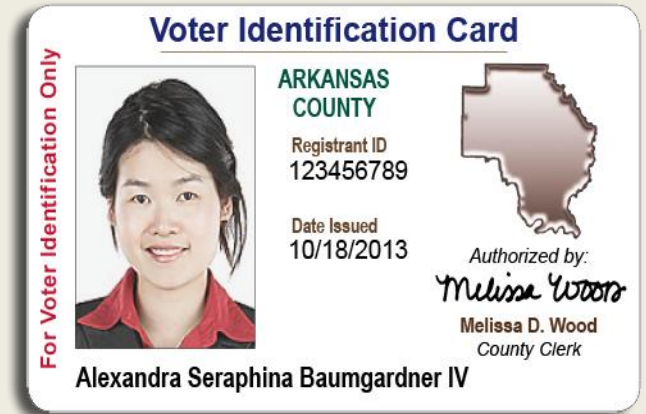
VOTER ID

Documentation from the administrator

“Documentation from the Administrator” is a letter on facility letterhead, dated and signed by the administrator that specifically identifies the full name of the resident/voter in the body of the letter. It is valid for **one year** after the date it is signed. The letter can be used by a resident of a long-term care facility during early voting, on election day at a polling location, and when voting by absentee ballot.

VOTER ID

Photo ID



The POI is used to verify the **name** and **appearance** of the voter, **not** address and date-of-birth. When a voter presents a voter identification card issued by the county clerk, the poll workers must also use the card to verify the voter's identification number.

The check-in process (voter states name and address and confirms DOB) otherwise remains the same.

VOTER ID

Assessing validity of POI

The poll worker to whom POI is presented must:

- Verify that the name on the ID is **consistent** with the name in the Precinct Voter registration list, allowing for abbreviations and nicknames;
- If the name is consistent, **compare the photograph** to the voter to determine whether the voter is the person depicted in the photograph, considering hair color, glasses, facial hair, cosmetics, weight, age, injury and other physical characteristics;
- If the poll worker is **satisfied** that the voter is the person depicted in the photograph and the name is consistent with the name in the Precinct Voter Registration List, then issue the voter a **regular** ballot;
- If the voter's **name is different** from the name in the Precinct Voter Registration List or the name as stated by the voter but the poll worker is **satisfied** that the voter is the person depicted in the photograph, issue the person a **regular** ballot **after** the voter completes a voter registration application form for the purpose of updating the voter's information; and
- If the poll worker determines that the proof of identity **does not depict the voter**, then the poll worker shall offer the voter a **provisional** ballot.

VOTER ID

AND REMEMBER:

- IT IS OF **HIGHEST** IMPORTANCE THAT THE ASSESSMENT OF PHOTO ID BE **APPLIED CONSISTENTLY AND FAIRLY TO EACH VOTER** AND THAT **EVERY** VOTER IS OFFERED A BALLOT

VOTER ID

At the polls



ADDITIONAL REQUIREMENT FOR CERTAIN FIRST-TIME VOTERS:

Certain first-time voters who register by mail and who, when registering to vote do not provide statutorily required identification documentation, will be flagged on the Precinct Voter Registration List for possible additional identification documentation when voting at the polls during early voting or on election day or by absentee ballot. These first-time voters, like all other voters, are required to present POI in order to vote at the polls. A flagged voter who presents a valid proof of identity that is also current (not expired) may vote without presenting an additional identification document. However, if a flagged voter presents a valid proof of identity that is not current (i.e., is expired) and valid for the purpose for which it was issued, the flagged voter must also must also show a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

VOTER ID

Failure to provide ID at the polls

- Voter casts a **provisional** ballot
- **Voter is handed written notice** that includes the following information:
 - That the provisional voter will be **notified** whether his or her vote was counted and the reason if not counted by **first class mail**.
 - That a provisional voter who cast a provisional ballot for **failure to present proof of identity may present proof of identity or an affidavit** of indigence or religious objection to the **county clerk** or the **county board of election commissioners** by **noon** of the first **Monday** following the election in order for the provisional ballot to be counted;
 - The address, telephone number, and regular office hours of the **county clerk**;
 - The **dates** of **any meetings** of the county board of election commissioners scheduled before noon of the next Monday following the election;
 - An **explanation** of the provisional voting process; and
 - The date, time, and address of a **hearing** for the voter if the provisional ballot is rejected.
- A sample of the notice can be found in the **CBEC Procedures Manual page 197**
- See sample notice on the next slide

VOTER ID

NOTICE TO PROVISIONAL VOTERS

The County Board of Election Commissioners will count the provisional ballot only upon verification of the voter's voter registration status or, if applicable, presentation of proof of identity or an affidavit of indigence or religious objection. The County Board of Election Commissioners will notify the voter as to whether or not the vote was counted by first class mail. The voter may be heard by the county board at the date, time, and location indicated on this notice regarding the voter's eligibility to vote in the election if the voter's ballot was rejected for reasons other than failure to present proof of identity.

If a provisional voter who cast a provisional ballot for failure to present proof of identity presents proof of identity or an affidavit of indigence or religious objection to the county clerk or the county board of election commissioners by noon of the first Monday following the election, the provisional ballot will be counted.

Reason for Voting a Provisional Ballot (To be completed by a poll worker)

- ☐ Poll Watcher Challenge
- ☐ No Proof of Identity Provided
- ☐ Not on Precinct Voter Registration List
- ☐ First-time Voter Flagged to Show Additional ID (No Additional ID Provided)
- ☐ Previously Sent Absentee Ballot
- ☐ Court-ordered Voting Extension
- ☐ Other _____

County Clerk Contact Information:

Address:

Telephone Number:

Regular Office Hours:

The next meeting of the county board of election commissioners will be held:

Date:

Time:

Location:

A hearing for voters whose provisional ballots were rejected will be held:

Date:

Time:

Location:

VOTER ID

Failure to provide ID at the polls – post-election submission

The provisional ballot will be counted if the voter brings in proper ID or an affidavit of indigence or religious objection to the county clerk or to a CBEC meeting by noon on the Monday after the election.



VOTER ID

Failure to provide ID at the polls – post-election submission of POI

- When voter brings ID after the election, the county clerk or the county board must make a photocopy of the POI and retain the copy with the voter's provisional ballot envelope. The county clerk or the county board shall provide a receipt to the voter containing the following information:
 - (1) The name of the county clerk, or each county board member present at the meeting where the proof of identity was presented;
 - (2) The name of the voter who presented the proof of identity;
 - (3) The date and time the proof of identity was presented to the clerk or county board;
 - (4) If it is determined that the photograph on the proof of identity depicts the voter, then a declaration of that finding;
 - (5) If it is determined that the photograph on the proof of identity does not depict the voter, then a declaration of that finding including the reason for that finding; and
 - (6) Any additional information the clerk or county board deems relevant.
- The county clerk or county board shall retain a copy of the receipt.

VOTER ID

Failure to provide ID at the polls – post-election submission of affidavit

- The county clerk or county board receiving an affidavit of indigence or religious objection must make a photocopy of the affidavit, provide the copy to the voter and retain the original affidavit with the voter's provisional ballot envelope. The county clerk or the county board shall provide a receipt to the voter containing the following information:
 - (1) The name of the county clerk, or each county board member present at the meeting where the affidavit was delivered;
 - (2) The name of the voter who delivered the affidavit;
 - (3) The date and time the affidavit was delivered to the clerk or county board; and
 - (4) Any additional information the clerk or county board deems relevant.
- The county clerk or county board shall retain a copy of the receipt.

A sample of the notice can be found in the **CBEC Procedures Manual page 195**

See a sample of the receipt on the next slide

VOTER ID



RECEIPT OF PROOF OF IDENTITY OR AFFIDAVIT: POSTELECTION

Name of County		Type of Proof of Identity or Affidavit Submitted			
Name of Voter		Date		Time	
Name & Title of County Official(s) To Whom Proof of Identity Was Submitted		Location Where Proof of Identity was Submitted			

	YES / NO	ADDITIONAL EXPLANATION
A photocopy of this completed receipt was made and submitted to the voter:	YES / NO	
A photocopy of the Proof of Identity was made and it, along with this completed receipt, was retained with the voter's provisional ballot envelope:	YES / NO / N/A	
This completed receipt, along with the original Affidavit of Indigence or Religious Objection, was retained with the voter's provisional ballot envelope:	YES / NO / N/A	
The Proof of Identity was determined to depict the voter:	YES / NO	
If it is determined that the Proof of Identity does not depict the voter or if the Affidavit is determined to be invalid describe the reasoning for that determination in the space provided.		

PLEASE PROVIDE ANY ADDITIONAL INFORMATION IN THE SPACE BELOW ☐

Signature of Voter submitting the Proof of Identity or Affidavit: _____

Date: _____

Signature of County Election Official(s) receiving the Proof of Identity or Affidavit: _____

Date: _____

VOTER ID

Absentee ID requirement

Absentee voters must include with their absentee ballots a copy of a current and valid photo identification OR a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

VOTER ID

Absentee ID requirement

Exceptions:

- (1) Voters who reside in a long-term care or residential care facility licensed by the state may instead provide a copy of documentation from the administrator attesting that the voter is a resident of the facility; and
- (2) Military and merchant marine voters and their families who are away from the county because of the active duty status of a military or merchant marine member are not required to include any form of voter ID with their absentee ballots.

ABSENTEE VOTING

Act 1424 - New rules for absentee voting include:

- The county clerk must write or stamp “Authorized Agent”, “Designated bearer” or “Administrator” and write the person’s name and address on an absentee voter’s **return envelope** when the ballot is delivered to the clerk by a bearer/agent/administrator.
- The county clerk must “post a notice of the rules concerning designated bearers and authorized agents ... where absentee ballots are distributed or returned;”
- The county clerk may not send an absentee ballot to a voter unless the applicant’s **signature** on the absentee ballot application is similar to the voter’s signature in the voter registration system (prior law allowed sending a ballot if the clerk was “satisfied” that the applicant was a registered voter);
- The county clerk must follow certain steps under certain deadlines in the electronic voter registration system regarding absentee ballots.
- The clerk must submit a written ballot accounting for absentee ballots to the election commission.

ABSENTEE VOTING

- Consider as **provisional** ballots “received or returned” by a bearer/ agent/administrator if the bearer/agent/administrator’s name and address printed on the return envelope by the county clerk (a new requirement) **does not match** that information on the voter statement;

ABSENTEE VOTING

- **Do not count** ballots “received or returned” by a bearer/ agent/administrator if the bearer/agent/administrator **is not named** on the voter statement.

ABSENTEE VOTING

Other new rules include:

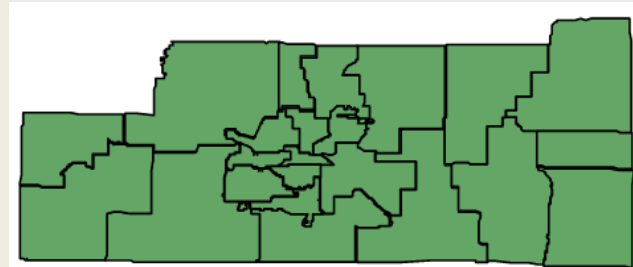
- Changes to the oath on the bearer/agent register;
- Requires administrators to specifically be identified by name and facility on the absentee ballot application;
- Requires administrators to show photo identification in order to receive ballots for residents of the facility;
- Requires additional information in the Administrator's affidavit;
- Provides for a space on the voter statement for the *printed* name of bearers/agents/administrators (instead of just the signature);

ABSENTEE VOTING

Act 466 – Requires the county clerk to accept an absentee ballot of a voter who dies before the opening of polls on election day if the ballot is properly cast before the date of death. This changes the rule that the vote of an absentee voter who dies before election day cannot be counted.

PRECINCTS

- **Act 1211** –Precincts and early/ absentee vote counting
- Caps precinct size at 3000 registered voters and requires county election commissions to redraw precincts that contain more than 3000 voters and produce a digital map of the new boundaries;
- Requires county clerks to submit copies of the new maps to the Secretary of State and state Geographic Information Office;



POLLING PLACES

Act 546 – Allows posted notice rather than mailed notice to voters when polling sites are changed within 15 days of an election due to an emergency.

Act 1389 – Allows either the county clerk or the county election commission to establish **vote centers**. This would be optional for any county.

- Defines “vote center” as an election day poll where any voter in the county may vote.
- The act gives a **quorum court** the *option* (it’s not required) to authorize vote centers by ordinance if the county clerk determines that secure electronic connections are available to prevent voters from voting more than once and to prevent unauthorized access to an electronic poll book.
- The **Secretary of State** will promulgate rules regarding electronic poll books and the secure electronic connections that are required to operate a vote center.

POLLING PLACES

Act 1461 – Clarifies who may be in the polls on election day. Only the following people are allowed in the polls:

- Election Officials
- Poll Watchers
- Voters
- Persons in the care of voters who are not eligible to vote
- Persons who are lawfully assisting a voter
- Law enforcement and other emergency personnel
- Monitors authorized by SBEC or federal agency
- Persons with business in the building (go directly to and from business)
- Persons assisting the CBEC
- Persons authorized by SBEC or CBEC

POLLING PLACES

Act 1118 – Provides “expanded” charitable immunity to churches when used as polls. Churches will be liable for damages (in a slip and fall, for instance) only to the extent of any insurance coverage they carry.



POLL WORKERS

Act 1457 – Requires all poll workers at each polling site to be trained;

- Only applies to regularly scheduled elections (not special elections)
 - Primary/NP General Election in May
 - Primary Runoff Election in June
 - Annual School & Runoff Elections
 - General Election in November
- Does not change the requirement that at least one poll worker at each polling site be trained within 12 months of a regularly scheduled election

ELECTION RESULTS

Act 1058 – Requires the county election commission to declare preliminary and unofficial results on **election night** (current law requires this declaration “immediately after the count is complete”) for state and federal elections, including a count of outstanding UOCAVA ballots and provisional ballots.

Requires the county election commission to transmit the results *by **precinct*** (instead of by poll) to the Secretary of State via the Secretary of State election night reporting interface. The transmission to the Secretary of State can be done by the county election commission by agreement with the county clerk (previous law required the clerk to transmit to SOS).

ELECTION RESULTS



- **Act 1211**
- Requires the county election commission to count early and absentee votes **before** the close of polls (without printing, posting or releasing results);
- Requires the county election commission to report **by precinct** the initial count of early and absentee votes no later than **30 minutes** after the polls close; and
- Requires the county election commission to show precinct results in the certification it files with the county clerk.

RETENTION OF ELECTION DOCUMENTS

- **Act 1261** – Makes it a felony to destroy the following before legally allowed:
 - A ballot that was completed, cast, abandoned or spoiled
 - A ballot stub from a ballot that was completed, cast, abandoned or spoiled
 - A completed voter statement
 - An envelope that contains a ballot
 - An affidavit provided to the county clerk
 - An absentee ballot list
 - An absentee ballot application
 - A list of absentee ballot applications prepared under 7-5-408
 - Any other ballot related material
 - The penalty for violation is at least a one-year jail term and a fine of up to \$10,000.
- “Ballot related material” is material “provided to a person representing himself or herself as the voter or his or her agent by a county clerk, member of a county board of election commissioners, or a poll worker and returned by the person ... or agent for the purpose of voting in an election.”

RETENTION OF ELECTION DOCUMENTS

Act 236 - Clarifies that **ballot stubs** are delivered to the county treasurer at poll closing; the treasurer keeps the stubs for 20 days in an “appropriately marked” and sealed container; and then the stubs are to be kept in a secure storage facility for 2 years, after which they may be destroyed.

ALDERMEN AND MAYORS

Act 503 – Requires each city to maintain a record of the numbered post each alderman holds and clarifies that candidates for alderman in incorporated towns must list the number of the position sought on the candidate petition.

Act 978 – Provides for:

- Filling a vacancy in an aldermanic position in an incorporated town by election by the town council to fulfill the term; and
- Provides for filling vacancies in the office of mayor by election by council or in a special election.

Act 1325 – Provides that a mayor cannot veto the election by a city council to fill a vacancy in an alderman position in cities of the second class.

UNOPPOSED CANDIDATES

Act 580 – Provides that unopposed candidates in special primaries are to be certified as elected and the special primary not held.

Act 968 - Provides that school boards must redraw electoral zones for board elections 100 (instead of 90) days before the second election after the release of the census.

EARLY VOTING

Act 979 – Requires the county clerk to electronically record **early** votes within 24 hours except for votes cast on Friday or Saturday, which may be recoded the next Monday.



WET/DRY ELECTIONS

Act 1018 – Provides for local option “wet/dry” elections in “defunct voting districts”.



FILING FOR OFFICE

Act 1066 - Provides that a person may file for only one municipal office during the municipal office filing period.

Act 1471 – Provides that a person may run for only one state, county or municipal office when the elections are held on the same day.

Act 1075 – Allows a candidate for circuit or district judge to use “Judge” as a title on the ballot if that candidate currently holds a judgeship and was elected to the judgeship at the previous election *or* has held the office as an appointee for at least one year (previously, candidates could use “Judge” only if elected as a judge).

FILING FOR OFFICE

- **Act 1356** – Requires:
- Independent candidates (non-municipal and non-presidential) to file petitions during the party filing period (instead of May 1)
- New parties to file their petitions for new party status 60 days before the party filing period (instead of 45 days before the date of the preferential primary) and for new party candidates to file for office during the party filing period (instead of by the date of the preferential primary). Note that new party candidates must be selected by convention.

FILING FOR OFFICE

- **Act 1286** – Addresses filing for judicial office
- District judges file with Secretary of State (district judges formerly filed with the county clerk)
- Filing period (for filing by paying **fee**) begins at *3pm* on the first day of the party filing period and ends at *3pm* on the last day
 - **The party filing period begins on February 24th and ends on March 3rd**
- **Petition** filing begins at noon, 53 days (instead of 46 days) before the first day of the party filing period and ends at noon forty six days (instead of 32 days) before the first day of the party filing period.
 - **The filing period begins at noon on January 2nd and ends at noon on January 9th**
- Secretary of State has 45 days (instead of 30) to determine whether a petition has sufficient signatures
- Clarifies that **write-ins** give notice of candidacy to all county election commissions in the judicial district (all counties for a Supreme Court race) *and* the Secretary of State.
- Secretary of State certifies the form of all judicial candidate names to the ballot

NONPARTISAN ELECTIONS

Act 1110 – Makes prosecutors non-partisan offices and provides for their election at the same time as judges (May general election, November runoff election).



PETITIONS

Act 1291 – Changes petition requirement for city manager form cities to go back to mayor/council form to base the number of signatures required on last election for mayor (instead of collective results of all director races).

(Sample Petition of Nomination)
Mayor-Council Form of Government
Alderman Candidates Elected At Large in
Cities of the 1st Class and Cities of the 2nd Class

FOR OFFICE USE ONLY
Valid of _____
By _____ Date _____

TO: The Honorable County Clerk of _____ County

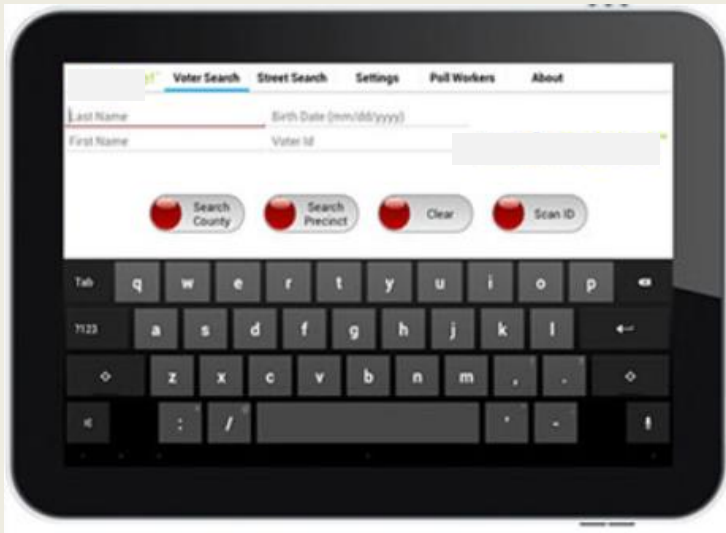
We, the undersigned qualified electors of the city of _____, Arkansas, being in number not less than ten (10) for cities of the 2nd class, and not less than thirty (30) for cities of the 1st class, do hereby petition that the name of _____ be placed on the ballot for the office of Alderman, Ward _____, Position _____, at the next election of municipal officials in 20____. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated city to be represented. My printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

	Signature	Printed Name	Date of Birth	Residence (Street Address)	City or Town of Residence	Date of Signing
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

This example of a form of petition is provided as a convenience to potential candidates. No form of petition is set out in the Arkansas Code, nor is the Secretary of State, State Board of Election Commissioners, or Ethics Commission authorized to promulgate a form of petition. This petition is an example of a form of petition that may be accepted by the county clerk or the Secretary of State, The Secretary of State, State Board of Election Commissioners, Ethics Commission, and the county clerks do not warrant that this form of petition would be found sufficient by a court of law if subjected to a legal challenge.

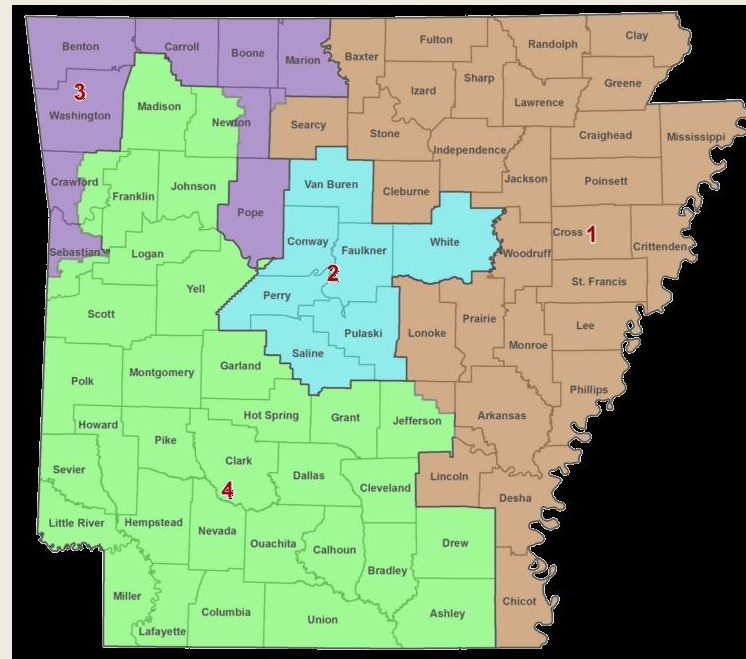
ELECTRONIC POLL BOOKS

Act 1297 – Allows the use of electronic poll books.



MONITORS

Act 1456 – Requires the State Board of Election Commissioners to have at least one monitor in each of the state's four congressional districts;




REDISTRICTING

Act 314 – Provides for the board of directors in **city manager** cities to redistrict wards, instead of the county election commission.

Act 968 - Provides that school boards must redraw electoral zones for board elections 100 (instead of 90) days before the second election after the release of the census.

CBEC FINANCIAL DISCLOSURE

Act 443 – Sets January 31 as the annual filing deadline for **all** county election commission members' reports of sales of goods and services to a governmental entity and requires Secretary of State to provide by rule for the “form... and ... procedure for the disclosure.” Reports for calendar year 2012 were due by September 1, 2013.

	Arkansas Secretary of State MARK MARTIN	Filing for year: <input style="width: 60px;" type="text"/>	Elections Division State Capitol, Room 026 Little Rock, AR 72201 (501)682-5070
Disclosure by Member of a County Board of Election Commissioners Of certain sales to the State of Arkansas, a County, Municipality or School District Ark. Code Ann. § 7-4-119 File with Secretary of State by January 31 of each year for sales made in prior year.			
<div style="display: flex; justify-content: space-between;"><div style="width: 70%;"><div style="margin-bottom: 5px;">CBEC Member Name: <input style="width: 90%;" type="text"/></div><div style="margin-bottom: 5px;">Address: <input style="width: 90%;" type="text"/></div><div style="margin-bottom: 5px;">City, State, Zip: <input style="width: 90%;" type="text"/></div><div style="margin-bottom: 5px;">County: <input style="width: 90%;" type="text"/></div></div><div style="width: 25%; border: 1px solid black; height: 100px;"></div></div>			
A member of a county board of election commissioners shall report to the Secretary of State by January 31 of each calendar year any goods or services sold during the previous calendar year by himself or herself, his or her spouse, or any business in which the member or his or her spouse is an officer, director, or stockholder owning more than			

POINT OF EMPHASIS

Voter ID

- Do not suggest in signage that voters must show DL or other specific forms of photo ID
- **Do not ask for DL specifically**

POINT OF EMPHASIS

Ballot Position

- Draw for ballot position for **ALL** offices, including state and federal

AG OPINIONS

Term of CBEC Chair

AG OP 2013-023

Q. Was a “reorganizational meeting” of a CBEC, where a new chair was elected following the resignation of the former chair, held in January 2013 but before new commissioners were elected to the board by the county party committees, legal under A.C.A. § 7-4-105?

A. Yes.

Q. Was it proper for the CBEC to hold another organizational meeting in February 2013, following the election of new members of the election commission in January 2013, and elect a new chair, or was the person who elected to fill the vacancy in January still in a two-year term during which he could not be removed from the office of chair?

A. Yes, the election of the new chair was proper, and the person elected to fill the vacancy was not in a term that could not be interrupted.

Commissioners are elected every two years, in January of odd-numbered years. After each election, “[t]he commissioners shall organize themselves into a county board of election commissioners by electing one (1) member chair.” Because newly elected commissioners are required to organize themselves into a board by electing a chair, it follows that the prior chair’s term ends when a new chair is elected – or the prior chair is elected to a new term – at the statutorily required organizational meeting.

AG OPINIONS

Electioneering

AG OP 2012-086

Q. Is it electioneering for campaigners to stand outside the 100' mark and yell or use a bullhorn in support of a candidate or issue?

A. No.



AG OPINIONS

Constitutionality of Voter ID Law

AG OP 2013-025

Q. Does Act 595 violate Article 3 of the Arkansas Constitution by imposing additional qualifications on the right of a citizen to vote?

A. “I cannot predict with certainty how an Arkansas court would rule on this question....Although [judicial] review would ultimately turn upon a consideration of the facts, I have no reason to assume the Arkansas legislation—unlike all similar legislation I have found —would be stricken.”

Contact Info

- **State Board of Election Commissioners**

501 Woodlane Dr., Suite 401 N

Little Rock, Arkansas 72201

(501) 682-1834 or (800) 411-6996

FAX (501) 682-1782

e-mail: Info.SBEC@sos.arkansas.gov

- Website: <http://www.arkansas.gov/sbec>

- We are committed to supporting you throughout the upcoming election cycle and look forward to assisting you in any way possible. Please feel free to call upon us at any time.

Thank you

- We know that you're time is valuable and we appreciate you joining this presentation today.
- Thank you for all that you do...we look forward to working with you throughout the upcoming election cycle.

