COUNTY BOARD OF ELECTION COMMISSIONERS
PROCEDURES MANUAL

Prepared and Provided by the:
State Board of Election Commissioners
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Dear County Election Commissioners,

The State Board of Election Commissioners is pleased to provide you with a complimentary copy of our sixth edition County Board of Election Commissioners Procedures Manual reflecting changes in election law enacted during the 2013 legislative session of the Arkansas General Assembly.

Because voting is at the core of our democracy and knowledge is essential to the success of our elections, the State Board works diligently to provide resources to county election administrators to assist in implementing procedures that will ensure both fair and orderly elections for the citizens of our great state.

We recognize and appreciate the tremendous amount of time and effort expended by county election administrators to ensure successful elections. It is our hope that this manual will be of valuable assistance to both veteran Commissioners, who have conscientiously conducted elections throughout the years, and new Commissioners in fulfilling their legal responsibilities.

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.

With best regards,

Justin Clay
Director
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STATE CONTACTS

Contact the State Board of Election Commissioners for questions regarding election procedures generally, election complaints, election monitors, reimbursement of expenses for state-funded elections, and procedural training for county election commissioners and poll workers.

Contact the office of the Secretary of State for questions regarding voter registration, voter ID cards, candidate filing, petitions, tabulating election results, reporting and certification of election results, voting equipment, voting equipment training, and interpretation of election laws.

Other helpful contacts are also listed below.

**State Board of Election Commissioners**
501 Woodlane, Suite 401N
Little Rock, AR 72201
Office: (501) 682-1834 or (800) 411-6996
Fax: (501) 682-1782
Internet Site: www.arkansas.gov/sbec
E-mail Address: INFO.SBEC@sos.arkansas.gov

**Democratic Party of Arkansas**
1300 West Capitol Avenue
Little Rock, AR 72201
Office: (501) 374-2361
Fax: (501) 376-8409
Internet Site: www.arkdems.org

**Secretary of State Elections Division**
State Capitol, Room 026
Little Rock, AR 72201
Office: (501) 682-5070 or (800) 482-1127
Fax: (501) 682-3408 or (501) 682-3548
Internet Site: www.sos.arkansas.gov
E-mail Address: electionsmail@sos.arkansas.gov

**Republican Party of Arkansas**
1201 West Sixth Street
Little Rock, AR 72201
Office: (501) 372-7301
Fax: (501) 372-1656
Internet Site: www.arkansasgop.org

**Libertarian Party of Arkansas**
PO Box 46730
Little Rock, AR 72214-6730
501-291-2542
Internet site: http://lpar.org/

**Green Party of Arkansas**
3610 Lilac Terrace
Little Rock, AR 72202
501-666-0620
Internet site: www.greenpartyofarkansas.org

**Arkansas Ethics Commission**
910 West Second Street, Suite 100
Little Rock, AR 72201
Office: (501) 324-9600 or (800) 422-7773
Fax: (501) 324-9606
Internet Site: www.arkansasethics.com

**Attorney General’s Office**
323 Center Street, Suite 200
Little Rock, AR 72201
Office: (501) 682-2007
Fax: (501) 682-8084
Internet Site: www.ag.arkansas.gov

**U.S. Attorney-Eastern District of AR**
United States Attorney's Office
425 West Capitol Avenue, Suite 500
Little Rock, AR 72201
Office: (501) 340-2600
Internet Site: www.usdoj.gov/usao/are

**U.S. Attorney-Western District**
United States Attorney's Office
414 Parker Avenue
Fort Smith, Arkansas 72901
Office: (479) 783-5125
Internet Site: www.usdoj.gov/usao/ar
GLOSSARY OF TERMS

Act - any act/enactment having general application throughout the state or an ordinance applicable to a municipality or county, whether originating in the General Assembly or proposed by the people, and referred acts. [A.C.A. §§ 7-9-101(1); 7-9-125(a)(1)]

Affidavit of eligibility - an affidavit signed by a candidate for elective office stating that the candidate is eligible to serve in the office he or she seeks. [A.C.A. § 7-1-101]

Amendment - any proposed amendment to the Arkansas Constitution, whether proposed by the General Assembly under Article 19, § 22 or by the people under the provisions of Article 5, § 1 or Article 19, § 22. [A.C.A. §§ 7-9-101(2); 7-9-125(a)(2)]

Audit log - an electronically stored record of events and ballot images from which election officials may produce a permanent paper record with a manual audit capacity for a voting system using voting machines. [A.C.A. § 7-1-101]

Ballot question - a question in the form of a statewide, county, municipal, or school district initiative or referendum which is submitted or intended to be submitted to a popular vote at an election, whether or not it qualifies for the ballot. [A.C.A. § 7-9-402(1)]

Candidate - for the purpose of compliance with contribution and expenditure filing requirements, any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, to seek nomination for or election to any public office. [A.C.A. § 7-6-201(2)]

Canvassing - examining and counting the returns of votes cast at a public election to determine authenticity. [A.C.A. § 7-1-101]

Certificate of choice - a certificate, signed by an executive officer of a political group that submits a petition to place its candidates for President and Vice-President on the ballot, designating the names of its candidates to appear on the ballot. [A.C.A. § 7-1-101]

Constitutional officers of this state - the offices of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of State, Treasurer of State, and Commissioner of State Lands. [A.C.A. § 7-1-101]

Counting location - a location selected by the county board of election commissioners with respect to all elections for the automatic processing and/or counting of votes. [A.C.A. § 7-1-101]

DRE - direct-recording electronic voting machine (see “Voting Machine”). [A.C.A. § 7-1-101]

Election - the process in which qualified electors nominate or elect a candidate to public office for regular terms, or decide any measure or question submitted to a vote of the people. A preferential primary election, a general primary election, a general election, a general runoff election, a school election, school runoff election, and a special election each constitute a separate election. [A.C.A. §§ 7-5-204; 7-6-201(7); 7-9-101(4); 7-9-117(c)(1); 14-42-119(b)(3)]
GLOSSARY OF TERMS

**Election official or election officer** - a member of the county board of election commissioners or a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff. Election official also includes an election clerk designated by the county board to process, count, and canvass absentee ballots and a person designated to count ballots at a central counting location. [A.C.A. §§ 7-1-101; 7-5-414(a); 7-5-615]

**Electronic poll book** - hardware or software or a combination of hardware and software that allows election officials to view voter registration records and voting information during an election at an early voting location or at a polling site on election day. [A.C.A. § 7-1-101]

**Electronic vote tabulating device** - a device, commonly referenced as an optical scanner, used to electronically scan a marked paper ballot for tabulation. [A.C.A. § 7-1-101]

**Fail-safe voting** - the mechanism established under the National Voter Registration Act of 1993 that allows a voter who has moved within the same county to vote at his or her new precinct without having updated his or her voter registration records. [A.C.A. § 7-1-101]

**First-time voter** - any registered voter who has not previously voted in a federal election in the state. [A.C.A. § 7-1-101]

**General election** - the regular biennial elections for election of United States, state, district, county, township, and municipal officials and to submit proposed amendments to the Arkansas Constitution or other measures or questions to a vote of the people. [A.C.A. §§ 7-1-101; 7-5-102; 7-5-204]

**HAVA** - the federal Help America Vote Act of 2002 that established the Election Assistance Commission to assist in the administration of federal elections and allocate federal funds to states for election administration improvements, including replacing punch card and lever voting machines, improving accessibility for disabled voters, implementing a statewide voter registration system, voter and election official training, and other improvements.

**Initiative** - the process by which voters can submit through petition signatures a Constitutional Amendment, law, or ordinance for a vote by the people at the biennial regular general election. [Article 5, § 1 of the Arkansas Constitution; A.C.A. § 7-9-104(a); Black’s Law Dictionary]

**Legislative question** - a question in the form of a measure referred by the General Assembly, a quorum court, a municipality, or a school district to a popular vote at an election. [A.C.A. § 7-9-402(7)]

**Majority party** - the political party in the State of Arkansas whose candidates were elected to a majority of the constitutional offices of the state in the last preceding general election. [A.C.A. § 7-1-101]
**Marking device** - any approved device for marking a paper ballot with ink or other substances that will enable the votes to be tabulated by means of an electronic vote tabulating device. Paper ballots counted by hand should be marked using permanent ink. If an electronic vote tabulating device (optical scanner) is used to count paper ballots, a marking instrument recommended by the manufacturer of the optical scanner for proper marking shall be used. [A.C.A. §§ 7-1-101; 7-5-211(a)(2)(H); 7-5-602(c)]

**Measure** - an amendment, act, ordinance, referendum, issue, question, plebiscite or proposal not involving the election of candidates that appear on a ballot. [A.C.A. §§ 7-9-101(6); 7-9-125(a)(5)]

**Member of the merchant marine** - an individual employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter or control of the United States; an individual enrolled with the United States for employment or training for employment or maintained by the United States for emergency relief service as an officer or crew member of any such vessel; or as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act if different from the definition stated above. [A.C.A. § 7-1-101]

**Minority party** - the political party whose candidates were elected to less than a majority of the constitutional offices of this state in the last preceding general election or the political party that polled the second greatest number of votes for the office of Governor in the last preceding general election, if all of the elected constitutional officers of this state are from a single political party. [A.C.A. § 7-1-101]

**Nonpartisan general election** - the regular biennial election held on the same date and at the same time and places as for a preferential primary election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge and prosecuting attorney. [A.C.A. § 7-10-101(1)]

**Party certificate** - a written statement or receipt signed by the secretary or chair of the county committee or of the state committee, as the case may be, of the political party evidencing the name and title proposed to be used by the candidate on the ballot, the position the candidate seeks, payment of the fees, and filing of the party pledge, if any, required by the political party. [A.C.A. § 7-1-101]

**Party filing period** - the period of time established by law for the candidate for a political party’s nomination to file his or her party certificate with the Secretary of State or county clerk, as the case may be. [A.C.A. § 7-1-101]

**Political party** - any group of voters that at the last preceding general election polled for its candidate for Governor in the state or nominees for presidential electors at least three percent (3%) of the entire vote cast for the office. [A.C.A. § 7-1-101]

**Polling site** - a location selected by the county board of election commissioners where votes are cast. [A.C.A. § 7-1-101]
GLOSSARY OF TERMS

Precinct - a geographical area the boundaries of which are determined by the county board of election commissioners in order to facilitate voting by the registered voters from that geographical area. [A.C.A. § 7-5-101]

Primary election - any election held to select the nominees of a political party for certification as candidates for election at any general or special election in this state. [A.C.A. § 7-1-101]

Proof of Identity - a voter identification card issued by the county clerk or approved document that shows the name and photograph of the person to whom the document was issued; and is issued by the United States, the state of Arkansas or an accredited postsecondary educational institution in the State of Arkansas. [A.C.A § 7-1-101; Act 595 of 2013]

Provisional ballot - a ballot cast by special procedures to record a vote when there is some question concerning a voter’s eligibility and counted contingent upon the verification of the voter’s eligibility. [A.C.A. § 7-1-101]

Qualification of a ballot question - any action or process, legal or otherwise, through which a ballot question obtains certification to be on the ballot at an election. [A.C.A. § 7-9-402(10)]

Qualified elector - a person who holds the qualifications of an elector under Arkansas Constitution Article 3, § 1 and is registered under Arkansas Constitution Amendment 51:
1) Must be a U.S. citizen;
2) Must be an Arkansas resident;
3) Must be a minimum of 18 years of age;
4) Must be lawfully registered to vote in the election;
5) Must not presently be adjudged mentally incompetent by a court of competent jurisdiction;
6) Must not have been convicted of a felony without the sentence having been discharged or pardoned; and
7) Must not claim the right to vote in another county or state. [Article 3, §§ 1 & 2 of the Arkansas Constitution, as amended by Const. Amend. 85; Amendment 8; Amendment 51, § 6; A.C.A. § 7-1-101]

Referendum - the process by which voters through petition, can refer a legislative act passed by the General Assembly of the State of Arkansas, or refer a county or city ordinance or constitutional amendment to the people for approval or rejection by popular vote of the people at the biennial regular general election or at a special election. [Article 5, § 1; Amendment 7; A.C.A. § 7-9-105(a); Black’s Law Dictionary]

Sample ballot - a ballot for distribution to the public or the press marked with the word “SAMPLE” to prevent the production of counterfeit ballots. [A.C.A. § 7-1-101]

Special election - any specially scheduled election to fill vacancies or to approve any measure. [A.C.A. §§ 7-11-101, 7-11-201]

Uniform Services - the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration, or as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act if different from the definition stated herein. [A.C.A. § 7-1-101]
**Vacancy in election** - the vacancy in an elective office created by death, resignation, or other good and legal cause, arising before election to the office at a general or special election, but arising after the certification of the ballot. [A.C.A. § 7-1-101]

**Vacancy in nomination** - the circumstances in which the person who received the majority of votes at the preferential primary election or general primary election cannot accept the nomination due to death, or notifies the party that he or she will not accept the nomination due to serious illness, moving out of the area from which the person was elected as the party’s nominee, or filing for another office before the final date for certification of nominations. A vacancy in nomination is also created if a tie vote for the same office occurs at the general primary election. [A.C.A. § 7-1-101]

**Vacancy in office** - the vacancy in an elective office created by death, resignation, or other good and legal cause arising after election to the office at a general or special election or arising after taking office and before the expiration of the term of office in those circumstances where the vacancy must be filled by a special election rather than by appointment. “Vacancy in office” does not apply to the election of a person at a general election to fill an unexpired portion of a term of office. [A.C.A. § 7-1-101]

**Vote Center** - upon enactment of an ordinance by the Quorum court, an election day location designated by the county clerk or county board of election commissioners at which a qualified elector from any precinct in the county holding the election may vote. [A.C.A. § 7-1-101]

**Voter-verified paper audit trail (VVPAT)** - a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that allows the voter to verify the voter-verified paper audit trail before the casting of the voter’s ballot; is not retained by the voter; does not contain individual voter information; is produced on paper that is sturdy, clean, and resistant to degradation; and is readable in a manner that makes the voter’s ballot choices obvious to the voter without the use of computer or electronic code. [A.C.A. §§ 7-1-101; 7-5-532(a)(2)]

**Voting machine (DRE)** - a direct-recording electronic voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter, processes the data by means of a computer program, records voting data and ballot images in internal and external memory components, and produces a tabulation of the voting data stored in a removable memory component and on a printed copy. [A.C.A. §§ 7-1-101; 7-5-532(a)]

**Voting system** - the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. “Voting system” also includes the practices and documentation used to identify system components and versions of components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system changes to be made to a system after the initial qualification of the system; and make available any materials to the voter, including, without limitation notices, instructions, forms, or paper ballots. [A.C.A. § 7-1-101]
RESEARCHING ELECTION LAWS

The Arkansas Code (statutes) is a compilation of the laws of the State of Arkansas. The Arkansas Code is revised by the legislature by way of legislative acts or by the people by means of initiative and referendum petition. Changes to the Arkansas Code are codified or incorporated into the existing code by the statutory and regulatory review section of the Bureau of Legislative Research.

Copies of the Arkansas Code can be found at your county courthouse and in many libraries in the set of red, bound volumes entitled Arkansas Code of 1987 Annotated. Title 7 is the main volume addressing elections and can be found in Volume 6 of the Arkansas Code of 1987 Annotated.

When researching statutes, check for updates in the supplement (often referred to as “pocket part”) in the back of the bound volume to ensure that you are referencing the most recent version of the statutes. If you are searching for information on a particular topic such as a primary election, special election, school election, or municipal election, for example, be sure to reference the appropriate title and section of the code for the applicable law. Keep in mind that there are instances where case law (rulings by a court) has over-ruled or interpreted statute. If you have questions or are unsure, contact your county attorney, the Secretary of State’s Legal Division, or our office for assistance.

In addition to the bound volumes, following each regular legislative session the Elections Division of the Secretary of State’s Office issues a spiral-bound Election Laws of Arkansas booklet containing election laws, the original twenty (20) Articles of the 1874 Constitution and the subsequent amendments to the Arkansas Constitution. State statutes may also be accessed on the Internet at the Arkansas State Legislature’s website at www.arkleg.state.ar.us.

In viewing a citation such as A.C.A. § 7-1-101, the “7” represents the Title, the “1” represents the chapter and the “101” is the section. A.C.A. stands for Arkansas Code Annotated, meaning “with annotations” or background notes. The notes following each citation are useful in tracing the history of the statute, including when the original act was passed by the legislature.
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COUNTY BOARD OF ELECTION COMMISSIONERS

Composition

Each of the 75 counties in the State of Arkansas has a three-member county board of election commissioners responsible for conducting all elections within its respective county.

The membership of the county board is as follows:
- Two (2) members elected by the County Committee of the majority party; and
- One (1) member elected by the County Committee of the minority party.

\[A.C.A. \ § 7-4-102(a)\]

Term of Office

Members of the commission are elected by their respective county committees in January of each odd-numbered year following the election of county committee officers. \[A.C.A. \ § 7-4-102(a)\]

Each member of the county board of election commissioners serves at the pleasure of his or her respective county committee for a term of two (2) years. \[A.C.A. \ § 7-4-102(e)\]

A county committee may remove a commissioner by majority vote of the county committee. \[A.C.A. \ § 7-4-102(e)\]

Chair of County Board

The county board of election commissioners meets at the courthouse in an organizational meeting at least thirty (30) days before the general election to elect one (1) member to serve as chair. \[A.C.A. \ § 7-4-105(a)\]

Any of the three (3) members of the county board may be elected to serve in the capacity of chair.

The chair serves until a board is elected by the respective county committees in January of odd-numbered years and an organizational meeting is held. The chair may serve successive terms. \[Attorney General’s Opinion #2013-023\]

Vacancy

A vacancy on the county board is filled by election of a new member by the appropriate county committee within forty-five (45) days of the vacancy. \[A.C.A. \ § 7-4-102(f)\]

If the vacancy is not filled by the forty-five (45) day deadline, the state chair of the appropriate party must appoint a new member to the commission. \[A.C.A. \ § 7-4-102(f)\]
COMMISSIONER QUALIFICATIONS

Qualifications

To serve on the county board of election commissioners, a commissioner shall:

• Be a qualified elector of the state (see the definition on page 5); [A.C.A. § 7-4-109(a)(1)]
• Be able to read and write the English language; [A.C.A. § 7-4-109(a)(1)]
• Be a resident of the county that he or she serves at the time of his or her appointment or election [A.C.A. § 7-4-109(b)];
• Attend election training conducted by the State Board of Election Commissioners prior to a regularly scheduled preferential primary election; and [A.C.A. § 7-4-109(e)(1)]
• Attend additional interim training, if deemed necessary and appropriate by the State Board. [Rules for County Election Commissioners Training §702]

Financial Disclosure:
Every member of the election commission must report to the Secretary of State by January 31 of each calendar year any goods or services sold during the previous calendar year by the commissioner, the commissioner’s spouse, or any business in which the commissioner or the commissioner’s spouse owns more than ten percent (10%) of stock having a total annual value of more than one thousand dollars ($1,000) to the state, county, municipality, or school district. A reporting form has been created by the Secretary of State. [A.C.A. § 7-4-119 and the Arkansas Secretary of State’s Rules for Financial Disclosure by Members of County Boards of Election Commissioners]

Appearance on Ballot:
A member of the county board is not disqualified from serving on the county board merely for appearing on the ballot as a candidate for a position in his or her political party (i.e., a county committeeman). [A.C.A. § 7-4-109(a)(3)]

Disqualification

Generally:
To serve on the county board of election commissioners, a commissioner must not:

• Have been found or pled guilty or nolo contendere to the violation of an election law of this state; [A.C.A. § 7-4-109(a)(1)]
• Be a paid employee of a political party; [A.C.A. § 7-4-109(c)(1)]
• Be a paid employee of a candidate for office on the county’s ballot; [A.C.A. § 7-4-109(c)(1)]
• Participate (manage a campaign or solicit on behalf of a candidate) in the campaign of a candidate listed on the county’s ballot, except for making financial contributions to a campaign; [A.C.A. §§ 7-4-109(c)(2); 7-6-103]
• Be a candidate for an office to be filled at an election while serving on the county board, except for appearing on the ballot as a candidate for a position in his or her political party; and [A.C.A. § 7-4-109(a)(2)(3)]
• Be married to or related within the second degree of consanguinity to a candidate running for office in the election, if objection is made within ten (10) days after the list of officials is posted. [A.C.A. § 7-4-109(d)]
COMMISSIONER QUALIFICATIONS

**Paid Employee of School District:**
Any member of the county board of election commissioners who is a paid employee of any school district holding a school election in the county is disqualified from participating as a member of the county board in any matter concerning the school election. [*A.C.A. § 6-14-106(e)(1)*]

**Conflicting Employment:**
To be eligible for consideration for election by a county committee to a position on the county board of election commissioners, the candidate cannot be employed with a company having any business dealings, contracts, or pending contracts with the county board to which he or she is seeking election. [*A.C.A. § 7-4-109(c)(3)*]
OATH OF OFFICE

Within ten (10) days of selection to the county board of election commissioners, the county committee must notify the county clerk in writing of the names and addresses of those selected.

The county clerk must send a notice by registered mail to those persons selected instructing them to appear before the clerk to take the oath of office within thirty (30) days of selection to the county board. [A.C.A. § 7-4-102(b)]

As soon as practicable after the election of members to the commission, the chair of each party committee shall file a notice with the county clerk and the Secretary of State containing the names of the party’s members designated to serve on the county board. [A.C.A. § 7-4-102(c)]

Before entering on their duties, each member of the county board must take the following oath of office:

“I, ________________________________, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of county election commissioner, upon which I am now about to enter.” [Article 19, § 20 of the Arkansas Constitution]

The oath is filed with the county clerk and a duplicate must be forwarded to the Secretary of State. [A.C.A. § 7-4-102(b)]

Contact the Secretary of State Elections Division for a sample oath.

A courtesy copy of the oath may also be provided to the State Board of Election Commissioners. Reference materials will be sent to the new commissioner upon receipt of the oath by the State Board of Election Commissioners.
COUNTY BOARD MEETINGS

Meetings

Notification:
The chair of the county board of election commissioners must notify each member of the county board of all meetings. [A.C.A. § 7-4-105(b)]

Quorum:
Two (2) members of the county board of election commissioners shall constitute a quorum. [A.C.A. § 7-4-105(a)]

Voting:
Each member of the county board of election commissioners has one (1) vote, and two (2) concurring votes shall decide any questions before the county board, unless a unanimous vote is otherwise required by law. [A.C.A. § 7-4-105(a)]

Public Meetings/Freedom of Information Act:
When official business is conducted in any meeting of two (2) or more members of the county board of election commissioners, the meeting must be public and held pursuant to the Freedom of Information Act of 1967 according to Ark. Code Ann. § 25-19-101 et seq. [A.C.A. § 7-4-105(b)]

The county board of election commissioners must provide at least two (2) hours notice of a public meeting to members of the press or others who have requested notice.

Public meetings as defined under the Arkansas Freedom of Information Act include without limitation:

- Drawing of ballot position;
- Certification of ballots;
- Selection or alteration of location or boundaries of precincts or polling sites;
- Designation of election officials;
- Correction of errors or omissions of ballots;
- Canvassing and certification of election results;
- Canvassing and certification of a recount;
- Election day
- Public testing of voting systems

Minutes:
The county board of election commissioners must keep minutes of all meetings when official business is conducted and must file the minutes with the county clerk. [A.C.A. § 7-4-105(b)]

The county board must maintain a public record of all expenditures made and funds received by the county board. [A.C.A. § 7-4-113]

Compensation

Each member of the county board of election commissioners receives for services not less than twenty-five dollars ($25) per public meeting when official business is conducted. [A.C.A. § 7-4-111(b)]

The county board shall not receive compensation for election duties until election results have been certified and delivered to the Secretary of State. [A.C.A. § 7-5-701(c)(2)]
Legal Assistance to the County Board

The county board of election commissioners may call upon the county’s prosecuting attorney or his or her deputy for legal assistance. [A.C.A. § 7-4-106(a)]

The county attorney or prosecuting attorney shall defend the county board in any civil lawsuit brought against the county board, or any of its members, if sued in regard to any acts or omissions made during the course of carrying out the official duties of the county board. [A.C.A. § 7-4-106(b)]

The county board is deemed to consist of county officials, and its members are immune from tort liability according to Ark. Code Ann. § 21-9-301. [A.C.A. §§ 7-4-102(d); 7-4-115]
ELECTIONS

Defined
An election is the process in which qualified electors nominate or elect a candidate to public office for regular terms or decide any measure or question submitted to a vote of the people. A preferential primary election, a general primary election, a general election, a general runoff election, a school election, school runoff election, and a special election each constitute a separate election. [A.C.A. §§ 7-6-201(7); 7-9-101(4)]

Types of Elections

Primary Election:
A primary election is an election held to narrow the field of candidates for election at any general or special election in this state. [A.C.A. §§ 7-1-101; 7-7-202(a)]

The preferential primary election, commonly known as the primary election, is held in May on the Tuesday three (3) weeks before the general primary election. [A.C.A. §§ 7-7-203(b); 7-8-101]

The general primary election, commonly known as the primary runoff election, is held on the second Tuesday in June before the general election if no candidate received a majority of the votes cast for the office at the preferential primary election. [A.C.A. §§ 7-7-203(a); 7-8-101]

A nonpartisan primary is conducted in cities with the city administrator form of government to narrow the field of candidates for those cities’ offices in the general election. [A.C.A. §14-48-109(a)(2)]

The nonpartisan primary held in city administrator form cities is held on the second Tuesday of August preceding the general election.

General Election:
The general election is the regularly scheduled biennial election for election of United States, state, district, county, township, and municipal officials and to submit proposed amendments to the Arkansas Constitution or other measures or questions to a vote of the people. [A.C.A. §§ 7-1-101; 7-5-102; 7-5-204]

The general election is held on the Tuesday after the first Monday in November in every even-numbered year. [A.C.A. §§ 7-5-102; 14-42-201]

General Runoff Election:
A general runoff election for a county contest is held three weeks after the general election if no candidate received a majority of the votes cast for the county elected office at the general election. [A.C.A. § 7-5-106(a)]

A general runoff election for a municipal contest is held three weeks after the general election if no candidate received either a majority of votes cast or both a plurality of 40% of the votes cast for the office at the general election and 20% more votes than the second-place candidate. [A.C.A. § 7-5-106(a)]
Nonpartisan General Election:
The nonpartisan general election is the regularly scheduled biennial election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge and prosecuting attorney. [A.C.A. § 7-10-101]

The nonpartisan general election is held on the same dates, times, and places as the preferential primary election held in May. [A.C.A. § 7-10-102(b)(1)]

Nonpartisan General Runoff Election:
The nonpartisan general runoff election is held on the same date and at the same times and places as the November General Election if no candidate received a majority of the votes cast for the office at the nonpartisan general election. [A.C.A. § 7-10-102(c)(2)]

School Election:
The school election is the regularly scheduled election held annually for the election of school board positions and to submit an annual proposed rate of tax for the maintenance and operation of schools and the retirement of indebtedness to a vote of the people. [Article 14, § 3 of the Arkansas Constitution, as amended by Amendments 1, 11, and 40; Attorney General’s Opinion No. 96-380]

The annual school election is held in each school district on the third Tuesday in September. [A.C.A. § 6-14-102(a)(1)]

School Runoff Election:
If no candidate received a majority of the votes cast for the office or if a tie vote exists, a runoff election is held in the district three (3) weeks after the date of the annual school election. [A.C.A. § 6-14-121(a)]

Special Election:
A special election is any specially scheduled election to fill vacancies or to approve any measure. [A.C.A. § 7-1-101]

For the various dates on which special elections may be held, see the SPECIAL ELECTIONS section of this manual beginning on page 95.
VOTING SYSTEMS

Types

A county’s voting system must consist of voting equipment selected for use by the Secretary of State, examined and approved by the State Board of Election Commissioners, and chosen by resolution of the county’s quorum court. [A.C.A. §§ 7-5-301, 7-5-503, 7-5-606]

A county’s voting system may consist of:

1) Voting machines with at least one (1) voting machine per poll accessible to voters with disabilities and paper ballots for provisional voting and machine malfunction only;
2) Paper ballots with an electronic vote tabulating device at each poll and at least one (1) voting machine per poll accessible to voter with disabilities;
3) Paper ballots with an electronic vote tabulating device at a central counting location and at least one (1) voting machine per poll accessible to voters with disabilities; and
4) Paper ballots counted by hand and at least one (1) voting machine per poll accessible to voters with disabilities. [A.C.A. § 7-5-301(a)]

Voting Machines

Voter-Verified Paper Audit Trail:
All direct recording electronic voting machine purchases must include a voter-verified paper audit trail. [A.C.A. §§ 7-5-301(b)(2); 7-5-504(8); 7-5-532(c)(2)]

All direct recording electronic voting machines in use must include a voter-verified paper audit trail, except for those voting machines already in use during the 2004 general election, which may include a voter-verified paper audit trail at the discretion of the county board of election commissioners. [A.C.A. §§ 7-5-301(b)(1); 7-5-532(c)(1)]

Overvotes:
An overvote occurs when a voter casts votes for more than the maximum allowable number of candidates in a contest or casts votes both for and against a measure to be decided by election.

A voting machine that would permit a voter to overvote his or her ballot shall not be approved or used. [A.C.A. § 7-5-504(4), (9)]

Paper Ballot

Overvote Warning:
All paper ballots must contain a warning beneath the heading about the consequences of overvoting and instructions on how to correct errors in marking the ballot before it is cast and counted.
**Electronic Vote Tabulating Devices:**
If a county uses a paper ballot voting system that includes an electronic vote tabulating device at each poll, the device must be programmed to reject overvoted ballots so that the voter has the opportunity to correct the ballot before the ballot is cast. [*A.C.A. § 7-5-604(a)(5), (6)(A)*]

**Central Count/Count by Hand:**
If a paper ballot voting system provides for votes to be counted at a central counting location or by hand at the polling sites, the county board of election commissioners must provide a voter education program to inform voters about the consequences of overvoting and how to correct the ballot before it is cast. [*A.C.A. § 7-5-604(a)(6)(C)*]

**Custody**

The county board of election commissioners has complete control and supervision of voting machines and electronic vote tabulating devices at all elections, but the county clerk has supervision of machines and devices used for early voting in the clerk’s designated early voting location. [*A.C.A. § 7-5-301(k), (l)*]

The county board is responsible for the proper preparation, use, maintenance, and care of all voting machines and electronic vote tabulating devices during the period of time required for an election. [*A.C.A. § 7-5-301(m)(2)*]

The county board has the care and custody of all voting machines and electronic vote tabulating devices while not in use. [*A.C.A. § 7-5-301(m)(1)*]
TRAINING

Mandatory Statewide

The law requires the State Board of Election Commissioners to conduct statewide training of county election commissioners and to coordinate training for poll workers before every May preferential primary election.

In complying with this statutory requirement, the State Board develops and revises training materials every two (2) years following regular legislative sessions to reflect election law changes. The State Board also develops procedures for conducting training, monitoring attendance, and determining the method and amount of compensation for county election commissioners, for county trainers, and for poll workers. [A.C.A. §§ 7-4-101(f)(2), (3); 7-4-109(o)]

STATE BOARD RULES AND GUIDELINES ON TRAINING AND COMPENSATION

The State Board of Election Commissioners’ rules for county election commissioners training, rules for poll worker training, guidelines addressing training compensation for county election commissioners, and guidelines on training compensation for trainers and poll workers are provided in the Forms section in the back of this manual.

County Election Commissioners:
The State Board provides each member of the county board of election commissioners with a copy of this comprehensive procedure manual developed and published by the State Board as a valuable resource and reference guide to assist county boards in fulfilling its statutory duties and its responsibility to conduct fair, orderly, and legal elections.

COMMISSION CHECKLIST

The State Board of Election Commissioners has provided three (3) separate checklists in the Forms section in the back of this manual as tools to assist the county election commissions with monitoring timely completion of its various duties and responsibilities during each election process.
Poll Workers:
The law requires that for a regularly scheduled election all poll workers must be trained, and at least one (1) poll worker at each polling site must have attended election training coordinated by the State Board within twelve (12) months before the election. [A.C.A. § 7-4-107(b)(2)]

The State Board’s procedure for training poll workers requires each county board to designate two (2) qualified electors of its county to attend training conducted by the State Board for the purpose of being trained, tested, and certified by the State Board to train poll workers locally.

The county board for each county must assure that all poll workers at each polling site attend training conducted locally by the State Board-certified trainers. The county board must also assure that at least one poll worker per polling site has attended training within twelve (12) months of an odd-year election. [A.C.A. §§ 7-4-107(b)(2); 7-4-109(e)(1)]

The State Board provides each trainer with a PowerPoint slide presentation, a trainers’ guide developed and published by the State Board as a training tool and reference guide to be used by trainers both during the trainer’s certification process and in training poll workers locally, and with the equivalent of six (6) poll worker training guides per poll developed and published by the State Board for distribution to the county’s poll workers who attend local training conducted by the county’s State Board-certified trainers. Materials related to voting system training may be amended to fit the specific circumstances of a particular county. Training materials containing supplemental procedures not addressed by materials provided by the State Board may also be used.

The training guides describe poll worker duties and responsibilities on election day, provide sample forms for gathering information on election day for legally required reporting on the conduct of elections, and contain “Quick Guides” for fast and easy reference on handling complicated election day procedures.

**Best Practice:** County election commissions in counties where the county clerk conducts early voting or operates a vote center should invite county clerks and deputy county clerks to attend poll worker training. Although some procedures are different for early voting, the county clerk and deputy county clerks who conduct early voting generally do so under the same procedures as poll workers on election day. Therefore, those officials could benefit from attending poll worker training, with the understanding that there are some minor differences in procedures. The State Board will gladly provide sufficient training materials for those additional attendees.
CANDIDATES

Multiple Candidacies

Prohibition:
A person who files as a candidate for nomination by a political party is ineligible to be the nominee of any other political party for the same office during the primary election or the following general or special election and ineligible to be an independent or write-in candidate for the same office at the general or special election. [A.C.A. §§ 7-7-204(a); 14-42-206(b)(6)]

A person who is certified as an independent candidate is ineligible to be a write-in candidate or the nominee of any political party for the same office at the same general or special election. [A.C.A. § 7-7-204(b)]

A person filing for municipal office may file for only one (1) municipal office during the municipal filing period. [A.C.A. § 14-42-206(e)]

A person may not run for more than one (1) state, county, or municipal office if the elections are to be held on the same date. [Act 1471 of 2013]

Political Party Primaries

Party Filing Period:
The party filing period is a one-week period beginning at 12:00 noon one week before the first day in March and ending at 12:00 noon on the first day in March. If the date of March 1, falls on a weekend or holiday, the deadline is extended to the following business day. [A.C.A. § 7-7-203(c)(1)]

Party Certificate:
Each candidate must obtain a party certificate signed by the secretary or chair of the state or county committee of the political party, depending on the office sought, that evidences the name and title proposed to be used by the candidate on the ballot, the position the candidate seeks, payment of the fee, if any, and filing of the party pledge, if any, required by the political party. [A.C.A. §§ 7-1-101; 7-7-301(c)]

Filing with the Party:
The affidavit of eligibility and party pledge, if any, is filed, the filing fee, if any, is paid, and party certificates are issued by the party during regular office hours during the party filing period. [A.C.A. §§ 7-7-203(c)(2); 7-7-301(a)]

Filing with the State or County:
The party certificate and political practices pledge must be filed with the Secretary of State or the county clerk, depending on the office sought, during regular office hours during the party filing period. [A.C.A. §§ 7-1-101; 7-6-102(a)(3); 7-7-203(c)(2)]

Certified List of Party Candidates:
At least 75 days before the preferential primary election, the Secretary of State certifies to the various county committees and to all county boards of election commissioners a list of the names
of all candidates to be placed on the ballots at the primary who have filed party certificates with
the Secretary of State within the time required by law.  
[A.C.A. §§ 7-7-203(d)(1); 7-7-301(d); 7-7-304(a)(1)]

At least 75 days before the preferential primary election, the county clerk certifies to the county
committees and county board a list of the names of all candidates to be placed on the ballots at
the primary who have filed party certificates with the county clerk within the time required by
law. [A.C.A. §§ 7-7-203(d)(2); 7-7-304(b)(1)]

Names of Certified Candidates Placed on Ballot:
The county board of election commissioners places the names of all candidates certified to it by
the county clerk and Secretary of State on the preferential primary ballot except that a candidate
who runs unopposed for a position on the county political party committee is omitted from the
primary election ballot. [A.C.A. § 7-3-104(a)(2)(B)]

Any candidate who fails to sign and file a political practices pledge may not be placed on the
ballot. [A.C.A. § 7-6-102(e)(1)]

Certification of Results:
No later than 10 days after the preferential primary election, the county board of election
commissioners must certify the results of the preferential primary election for county, township,
and municipal offices to the county clerk. [A.C.A. § 7-7-203(e)]

No earlier than 48 hours, but no later than 10 days after the preferential primary election, the
county board of election commissioners must certify the county’s vote for United States,
state and district offices to the Secretary of State. [A.C.A. §§ 7-7-203(e), (g); 7-7-401(a)]

If a candidate receives the majority of the votes cast for that office or position, the candidate
shall be declared the party nominee and it shall not be necessary for the candidate’s name to
appear on the ballot at the general primary election. [A.C.A. §§ 7-7-102; 7-7-304(f)(1)]

General Primary Election (Runoff):
The county board of election commissioners conducts the general primary election only if no
candidate receives a majority of the vote, or if there is a tie vote for an office. If a general
primary election is necessary, the names of the two (2) candidates of the political party who
received the highest number of votes for an office shall be placed on the ballots at the general
primary election (runoff).  
[A.C.A. §§§ 7-7-102, 7-7-202, 7-7-304(f)(2)]

No later than 10 days after the preferential primary election, or if one is held, the general primary
election, the county board of election commissioners must certify to the county clerk, the state
committees of the political parties and the county committees of the political parties a list of all
candidates who were nominated at the primary election for county, township, and municipal
offices. No earlier than 48 hours, but no later than 10 days after the general primary election,
the county board of election commissioners must certify the county’s vote for United States,
state and district offices to the Secretary of State. [A.C.A. §§ 7-7-203(e)(1), (g)(1); 7-7-401(a), (c)]
CANDIDATES

City Administrator Form Nonpartisan Primary

Filing:
Candidates pay a $10.00 fee and file a statement of candidacy and a petition with the city clerk not more than 90 days and no later than noon, 75 days before the primary election. [A.C.A. §14-48-109(a)(3)]

Certification:
The city clerk certifies the names of candidates who properly file for office to the county board of election commissioners at least 70 days before the election. [A.C.A. §14-48-109(a)(6)]
If only one or two candidates file for an office, there is no primary for that office and the county board of election commissioners places the names of the candidates on the general election ballot. If more than two candidates file for an office, the primary is held for that office. The county board of election commissioners certifies the result of the primaries to the city clerk. If a candidate receives a majority of the vote in the primary, that candidate is elected to the office. If no candidate receives a majority of the vote in the primary, the top two vote-getters advance to the general election. [A.C.A. §14-48-109(a)(7), (8)]

General Election

New Parties:
Nominees of a new political party participating in its first election after certification of a sufficient petition will be chosen by convention to be held prior to the end of the party filing period. [A.C.A. § 7-7-102(b)]

Political party nominees chosen by convention as authorized by law are certified by the chair and secretary of the convention. [A.C.A. § 7-7-401(d)(1)]

Certifying Political Party Nominees:
At least 90 days before the general election, candidates who were nominated at the primary election, or, in the case of new parties, at a party convention, for United States, state and district offices must submit a certificate of nomination to the Secretary of State. [A.C.A. § 7-7-203(h)(1)(B)(i)]

At least 90 days before the general election, each county political party committee must submit to the county clerk the certified list of its candidates who were nominated at the primary election, or, in the case of new parties, at a party convention, for county, township, and municipal offices. [A.C.A. § 7-7-203(h)(2)(B)(i)]

Independent Candidates (non-municipal):
A person desiring to have his or her name placed on the ballot at the general election as an independent candidate without political party affiliation for United States Senate, United States House of Representatives, state, county, township, or district office must file during the party filing period for the year in which the election is to be held, a political practices pledge, an affidavit of eligibility, the petition under this section, and a notice of candidacy stating the name and title the candidate proposes to appear on the ballot and identifying the elective office sought, including the position number, if any. [A.C.A. § 7-7-103(a)]
Nomination as an independent candidate for election to office without political party affiliation is certified by petition of electors as authorized by law under Ark. Code Ann. § 7-7-103. [A.C.A. § 7-7-401(e)(2)]

**Write-in Candidates for United States Senate, United States House of Representatives, State, and District Office:**
A write-in candidate must give written notice to the county board of election commissioners of each county in which the candidate seeks election and file with the Secretary of State the notice of write-in candidacy, a political practices pledge, and an affidavit of eligibility for the office no later than the last day of the party filing period. [A.C.A. § 7-5-205]

**Write-in Candidates for County and Township Office:**
A write-in candidate shall give written notice to the county board and file with the county clerk the notice of write-in candidacy, a political practices pledge, and an affidavit of eligibility for the office no later than the last day of the party filing period. [A.C.A. § 7-5-205]

Votes for write-in candidates cannot be counted in municipal and presidential elections.

**Filing – Mayor Council Form Nonpartisan Municipal Offices:**
Candidates file a petition, political practices pledge, and an affidavit of eligibility with the county clerk not more than 102 nor less than 81 days before the general election by noon, unless the city has passed an ordinance setting the filing period to begin 20 days before the preferential primary election and to end at noon on the day before the preferential primary election. For municipalities situated in multiple counties, the candidate files with the county clerk of the county with the highest population of the municipality, and the county clerk shall certify the candidate to the other counties. [A.C.A. §§ 14-42-205; 14-42-206(b),(d)]

**Filing – City Manager Form:**
Candidates file petition with the city clerk or recorder not more than 102 nor less than 81 days before the general election by noon. [A.C.A. §14-47-110(a)(2)]

**Certification – City Manager Form:**
The city clerk certifies the names of candidates who properly file for office to the county board of election commissioners at least 75 days before the election. [A.C.A. §14-47-110(a)(3)(D)]

**Certification by the County Clerk and Secretary of State to the County Board:**
At least 75 days before each general election, including the nonpartisan general election held in May, the county clerk of each county must certify to his or her county board a full list of all candidates to be voted for in the county at the general election. [A.C.A. § 7-5-203(b)(1)]

At least 75 days before each general election, including the nonpartisan general elections held in May, the Secretary of State must certify to all county boards full lists of all candidates for all federal, state and district offices to be voted for in their respective counties at the general election. [A.C.A. § 7-5-203(a)(1)]
Nonpartisan General Election and Runoff

Filing:
Nomination as a nonpartisan candidate for Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney is considered certified upon the candidate’s filing with the Secretary of State a political practices pledge and either paying a filing fee or upon determination that sufficient signatures were obtained by petition. [A.C.A. §§ 7-6-102(a)(5),(6); 7-7-401(e)(1); 7-10-103(b),(c)]

Write-in Candidates for Justice of the Supreme Court, Judge of the Court of Appeals, Circuit Judge, District Judge, or Prosecuting Attorney:
A write-in candidate must give written notice to the county board of election commissioners of each county in which the candidate seeks election and file with the Secretary of State the notice of write-in candidacy, and a political practices pledge for the office no later than 80 days before the Nonpartisan General Election. [A.C.A. § 7-10-103(d)]

Certification:
Candidates for Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney are certified to the county board of election commissioners in the same manner and at the same time as political party candidates for the primary and, if there is a runoff, in the same manner and at the same time as candidates for the general election.

Annual School Election

Filing:
A candidate for school district board of directors may appear on the ballot by filing a petition during a one week period ending at noon on the 70th day before the school election. [A.C.A. § 6-14-111(e)]

A write-in candidate must file a notice of candidacy during the petition-filing period in order to have votes for the candidate counted. [A.C.A. § 6-14-111(g)]

Certification:
The county clerk of the county where the school district is domiciled must certify to all of the affected county boards the names of all candidates who have filed a proper petition and all write-in candidates for each school district on the day after the filing deadline. [A.C.A. § 6-14-111(i)]

Special Elections to Fill Vacancies in Office

The entity calling the special election (usually the Governor or a city council) must include in the calling document (usually a proclamation or ordinance) the dates of the special election and any associated special primary, filing periods, and certification deadlines. [A.C.A. § 7-11-102]
Candidate Withdrawal and Death

Notice of Withdrawal:
The notice from a candidate of his or her desire to withdraw must be in writing, signed by the candidate, and acknowledged before an officer authorized to take acknowledgements.
[A.C.A. §§ 7-5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]

Withdrawal Before the Certification Deadline/Not Placed on Ballot:
If a candidate dies or notifies the Secretary of State or county clerk, depending on the election, of his or her desire to withdraw as a candidate for the office or position, the candidate shall not be certified and shall not be placed on the ballot. [A.C.A. §§ 7-5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]

Withdrawal After the Certification Deadline/Votes Counted:
Votes received by a candidate whose name appeared on the ballot and who withdrew or died after the certification of the ballot are counted. [A.C.A. §§ 7-5-315(b)(1); 7-7-304(c)(1)]

Withdrawal from Municipal or County Runoff:
If one of the two runoff candidates withdraws before certification of the result of the general election, the remaining runoff candidate is declared elected and there is no runoff. [A.C.A. § 7-5-106(d)]

Withdrawal from Annual School Election Runoff:
If one of the two runoff candidates withdraws before certification of the result of the annual school election, the remaining runoff candidate is declared elected and there is no runoff. [A.C.A. § 6-14-121(c)]

Vacancy in Nomination:
If a candidate for a party’s nomination withdraws or dies after certification but receives enough votes at the primary election to win the nomination, there is a vacancy in nomination. [A.C.A. § 7-7-304(c)(2)]

If a candidate for a party’s nomination withdraws or dies after certification but receives enough votes to advance to the primary runoff election, the person’s name must be placed on the primary runoff election ballot. [A.C.A. § 7-7-304(c)(3)]

If the candidate who withdraws or dies receives enough votes to win the primary runoff election, there is a vacancy in nomination. [A.C.A. § 7-7-304(c)(4)]

If there is a tie vote in a general primary (runoff) there is a vacancy in nomination and the vacancy will be filled by convention. [A.C.A. § 7-7-104(b)]

Filling a Vacancy in Nomination:
Vacancies in nomination may be filled by a political party only if the vacancy resulted from the death or withdrawal due to illness of a candidate who won the preferential primary, a tie vote in the general primary or if a candidate who won the preferential primary withdraws due to moving out of the jurisdiction or filing for another office. [A.C.A. § 7-7-104(b), (c)]
If the vacancy in nomination is due to death, illness, moving or filing for another office, the political party may choose to fill the vacancy by convention or special primary called by the Governor. The name of the nominee who is filling a vacancy in nomination shall be immediately certified to the Secretary of State and to the appropriate county board of election commissioners. If the new nominee is not selected in time to file a certificate of nomination with the party at least 76 days before the general election, the name of the person who vacated the nomination appears on the ballot and votes for that person count for the replacement nominee IF the certificate of nomination is filed at least 47 days before the general election. The county board must post notice at the polls to that effect and provide a copy of the notice for the county clerk to send to an absentee voter along with his or her instructions. [A.C.A. § 7-7-104(d)(2), (f)]

Untimely Notification/Vacancy Not Filled:
If the party fails to notify the Governor within five (5) days of the occurrence as defined above or if the vacancy in nomination occurs for any reason other than death, serious illness, the candidate’s moving out of the area from which elected as the party’s nominee, filing for another office, or a tie vote following a general primary election, the vacancy in nomination is not filled. [A.C.A. § 7-7-104(c)(2)]

Holding a Convention:
When a convention is held to fill a vacancy in nomination, the convention shall occur no later than 25 days after notice is provided by the political party to the Governor. [A.C.A. § 7-7-104 (b), (e)]

Special Primary Election:
If within the prescribed time, the party notifies the Governor of its desire to hold a special primary election to fill a vacancy in nomination, the Governor must issue a proclamation within five (5) days calling for the special election. The special primary election to fill a vacancy in nomination shall occur no earlier than 30 days and no later than 60 days after the filing deadline. [A.C.A. § 7-7-104(d)(1)]

Vacancy in Candidacy for Nomination:
A vacancy in candidacy for nomination occurs when an unopposed candidate in a preferential primary cannot accept nomination due to death or when an unopposed candidate in a preferential primary refuses nomination due to a serious illness. [A.C.A. § 7-7-106(a)]

Filling a Vacancy in Candidacy for Nomination:
A vacancy in candidacy for nomination may be filled at a convention of the political party within 10 days after death or notification to the political party. [A.C.A. § 7-7-106 (b), (c)]

If the vacancy in candidacy for nomination is filled at a convention of the political party more than 66 days before the preferential primary election, the name of the person chosen at the convention to fill the vacancy is placed on the preferential primary ballot instead of the name of the person who vacated the candidacy. [A.C.A. § 7-7-106(d)]

The person chosen at the convention of the political party and subsequently elected at the preferential primary election to fill the vacancy in candidacy is declared the nominee.
If the vacancy in candidacy for nomination is filled at a convention of the political party less than 66 days before the preferential primary election, the name of the person who vacated the candidacy is placed on the preferential primary ballot. [A.C.A. § 7-7-106(e)]

**Best Practice:** The CBEC should post a notice explaining that votes for the person who vacated his or her nomination will count for the new nominee.

The person chosen at the convention of the political party to fill the vacancy in candidacy is declared the nominee even though the name of the person who vacated the candidacy appears on the preferential primary ballot. [A.C.A. § 7-7-106(e)]

If the vacancy in candidacy for nomination is not filled at a convention of the political party before the date of the preferential primary election, a vacancy in nomination exists on the date of the preferential primary election and is filled according to Ark. Code Ann. § 7-7-104, as described below. [A.C.A. § 7-7-106(f)]

**Vacancy in Election:**

If a candidate withdraws or dies after certification but receives enough votes at the general election to win the election, a vacancy in election shall be declared. [A.C.A. § 7-5-315(b)(2)(A)]

If a candidate withdraws or dies after certification but receives enough votes to qualify for a runoff election, the person’s name must be placed on the runoff election ballot. [A.C.A. § 7-5-315(b)(2)(B)(i)]

If a candidate withdraws or dies after certification but receives enough votes to win the runoff election, a vacancy in election shall exist. [A.C.A. § 7-5-315(b)(2)(B)(ii)]
MEASURES AND QUESTIONS

State:
At least 75 days before the general election, the Secretary of State shall certify to all county boards of election commissioners, for posting and placement on the ballot, proposed amendments to the Arkansas Constitution and other measures or questions to be submitted to a vote of the people regardless of whether the sufficiency of a petition has been determined or whether challenged in a court of competent jurisdiction. [A.C.A. § 7-5-204]

Not less than eighteen (18) days before the general election, the Secretary of State must furnish the county boards a certified copy of the ballot title and popular name of each proposed measure and referred act to be voted upon. [A.C.A. § 7-9-115]

Local:
At least 70 days before the general election, the county clerk shall certify the sufficiency of all county initiative petitions to the county board in order to be included on the general election ballot. [A.C.A. § 14-14-915(b)(3)]

Municipal initiative petitions may be filed as late as 60 days before the election, so the city clerk will certify the sufficiency of those petitions as soon as possible after filing. [Article 5, Section 1 of the Arkansas Constitution]
ABSENTEE AND EARLY VOTING

County Clerk’s Authority

The county clerk has statutory authority over all absentee voting and over any early voting conducted by the clerk. [A.C.A. § 7-5-401(a)]

The county clerk must be furnished a suitable room at the county courthouse or other location designated for absentee and early voting required by law of the county clerk. [A.C.A. § 7-5-401(b)]

In counties with dual county seats, the county clerk must conduct absentee voting in the courthouse or other room provided by the county and conduct early voting in each county seat if the county clerk conducts early voting under Ark. Code Ann. § 7-5-418. [A.C.A. § 7-5-401(c)]

The county board of election commissioners is responsible for counting legally cast absentee ballots and votes cast during early voting.

Early Voting

Conduct:
Except as otherwise provided by law, early voting must be conducted in the same manner as voting on election day. Conduct that is prohibited or restricted on election day is prohibited and restricted on the days that early voting is conducted. [A.C.A. § 7-5-418(f)]

Candidates as Observers at Early Voting:
A candidate may be present in person at early voting locations only to observe whether or not votes are fairly and accurately cast. A candidate present as an observer may not challenge voters as a poll watcher during early voting and may speak only to a designated poll worker.

A candidate who is present in person at an early voting location to observe may not speak to voters or disrupt the orderly conduct of the election.

A candidate who is a public official and who is present in person at an early voting location to observe shall not wear on his or her person any uniform, badge, or other apparel or equipment that identifies the candidate as a public official. [A.C.A. § 7-5-413(d); Rule 903 for Poll Watchers, Vote Challenges, and Provisional Voting]

Off-Site:
The county board of election commissioners is responsible for deciding whether to hold early voting at additional polling sites outside the county clerk’s office. [A.C.A. § 7-5-418(b)(1)(A)]

If the county board votes to hold off-site early voting at one (1) or more conveniently located polling sites on the days and times required by law, the county clerk may choose not to hold early voting in his or her office. [A.C.A. § 7-5-418(b)(3)(B)]

The county board must notify the county clerk of its decision to hold off-site early voting within ten (10) days of its decision. [A.C.A. § 7-5-418(b)(3)(A)]
The county clerk must notify the county board of his or her decision not to conduct early voting in his or her office within ten (10) days of receipt of the county board’s notice of holding off-site early voting.  [A.C.A. § 7-5-418(b)(3)(B)]

The county board determines, by unanimous vote, the location of off-site early voting polls. [A.C.A. § 7-5-418(b)(1)(B)]

Voting locations must adequately allow an early voter to personally and secretly execute his or her ballot. [A.C.A. § 7-5-418(e)]

**Dates and Times of Early Voting for Preferential Primary and General Elections:**
For the preferential primary and nonpartisan general elections held in May and for the general and nonpartisan general runoff elections held in November, early voting begins fifteen (15) days before the election from 8:00 a.m. to 6:00 p.m. on Monday through Friday, from 10:00 a.m. to 4:00 p.m. on Saturday, and ends at 5:00 p.m. on the Monday before the election. [A.C.A. § 7-5-418(a)(1)(A)]

If off-site early voting is held in addition to early voting conducted by the county clerk’s office, off-site voting can take place on any Monday through Friday at any time between the hours of 8:00 a.m. and 6:00 p.m., on any Saturday at any time between the hours of 10:00 a.m. and 4:00 p.m. beginning fifteen (15) days before the election and ending no later than 5:00 p.m. on the Monday before the election. [A.C.A. § 7-5-418(b)(1)(A)]

**Dates and Times of Early Voting for Other Elections:**
For general primary (primary runoff) elections held in June, general runoff elections held in November, school elections held in September, and special elections, early voting begins seven (7) days before the election during regular county clerk office hours and ends on the day before the election at the time the county clerk’s office regularly closes. [A.C.A. § 7-5-418(a)(2)]

If off-site early voting is held in addition to early voting conducted by the county clerk’s office, off-site voting can take place on any of the days and times during regular county clerk office hours beginning seven (7) days before the election and ending on the day before the election no later than the time the county clerk’s office regularly closes. [A.C.A. § 7-5-418(b)(1)(A)]

**Holidays:**
Early voting shall not be held on state or county holidays. [A.C.A. § 7-5-418(a)(1)(B)]

**Poll Workers:**
The county board appoints poll workers for any off-site early voting polling site in the same manner as poll workers are appointed for election day. [A.C.A. § 7-5-418(b)(2)]

**Public Notice:**
At least twenty (20) days before the preferential primary and nonpartisan general elections held in May and the general and nonpartisan general runoff elections held in November; at least ten (10) days before primary runoff elections held in June, general runoff elections held in November, and any special election; and again at east five (5) days before all elections, the county board must publish in a newspaper of general circulation in the county the places and times for early voting, along with all other public notices required by Ark. Code Ann. § 7-5-202. [A.C.A. § 7-5-202(a)(3), (b)(1)]
Voting Machines:
At least sixteen (16) days before preferential primary and nonpartisan general elections held in May and general and nonpartisan general runoff elections held in November and at least eight (8) days before primary runoff elections held in June, general runoff elections held in November, school elections held in September, and any special elections, the county board of election commissioners must place at least one (1) voting machine equipped for use by voters with disabilities at the county clerk’s designated early voting location and at any off-site polling locations established by the county board. [A.C.A. §§ 7-5-413(a)(1); 7-5-418(a)]

Ballots, Machines, and Materials:
All voted ballots, all unvoted ballots, and all election materials at an off-site early voting location must be stored in a secure location in the county courthouse or in a secure location determined by the county board immediately after the poll closes each day that early voting is conducted at the off-site poll. [A.C.A. § 7-5-418(b)(5)]

At the close of each day of early voting and when early voting is concluded, the clerk at the county clerk’s designated early voting location and poll workers at any off-site early voting poll must secure the voting machines against further voting. [A.C.A. § 7-5-413(b)]

After completion of the canvass of early votes cast by voting machines, the machines must be secured and remain inaccessible to voting. [A.C.A. § 7-5-413(c)(1)]

Absentee Voting

Rejected Absentee Applications:
The county clerk shall not send an absentee ballot to a voter if the signature on the absentee ballot application is not similar to the voter’s signature in the voter registration file. Absentee applications that are rejected by the county clerk for other reasons, and for which the applicant cannot be reached for resolution, will be forwarded to the county board of election commissioners for determination as to whether the applicant is a qualified elector. [A.C.A. § 7-5-409(a)]

Dates:
Absentee voting begins no later than forty-six (46) days before the preferential primary and nonpartisan general elections held in May, the general and nonpartisan general runoff elections held in November, the school election held in September, and any special elections. [A.C.A. § 7-5-407(a)]

Absentee voting begins no later than ten (10) days before the general primary (primary runoff) election held in June and the general runoff election held in November. [A.C.A. § 7-5-407(b)]
Appointing Absentee Election Clerks:
The county board appoints election clerks to process, count, and canvass absentee ballots in the same manner and at the same time that poll workers are selected for election day. [A.C.A. § 7-5-414]

The election clerks must possess the same qualifications as the poll workers working election day polls. [A.C.A. § 7-5-414(b)(2)]

Public Notice:
At least twenty (20) days before preferential primary and nonpartisan general elections held in May and general and nonpartisan general runoff elections held in November and at least ten (10) days before primary runoff elections held in June, general runoff elections held in November, and any special elections, the county board must give public notice in a newspaper of general circulation in the county of the time and location of the opening, processing, canvassing, and counting of absentee and early voting ballots. [A.C.A. §§ 7-5-202(a)(6); 7-5-416(a)(2)]

Ballots:
The county board is responsible for providing county clerks with ballots for absentee and early voting as soon as possible and no later than forty-seven (47) days or ten (10) days before an election, as the case may be (see the Dates subsection under the Absentee Voting section on the previous page). [A.C.A. §§ 7-5-211(c); 7-5-407]

Special Runoff Ballots:
The county board must also prepare a special absentee ballot for qualified electors of this state who are temporarily outside the territorial limits of the United States. This special absentee ballot must be marked “special runoff ballot” and shall permit the absentee voter to vote in the primary runoff election or general runoff election by indicating his or her order of preference for each candidate for each office. [A.C.A. § 7-5-406(c)]

The county clerk sends a special runoff ballot and instructions to eligible voters along with the absentee voter’s absentee ballot for the primary election and for the general election. [A.C.A. § 7-5-406(c)]

There is no special absentee runoff ballot for the runoff election held in November for judges and prosecutors. [A.C.A. § 7-5-406(c)]

Deadlines for Voters to Deliver Absentee Ballots to Clerk:
Absentee ballots delivered to the county clerk in person by the voter must be received by the close of regular business hours on the day before the election to be counted. [A.C.A. § 7-5-411(a)(3)]

Absentee ballots delivered to the county clerk by a designated bearer, administrator, or authorized agent that are received by 7:30 p.m. on election day are counted only upon proper verification of the voter’s signature. [A.C.A. § 7-5-411(a)(2)]
Except for absentee ballots of qualified electors outside the United States and of uniformed services personnel serving in active status, absentee ballots that are mailed must be received by the county clerk by 7:30 p.m. on election day to be counted. \([A.C.A. \ § 7-5-411(a)(1)(A)]\)

Absentee ballots of qualified electors outside the United States on election day can be counted if the voter applied for the ballot at least 30 days before the election, and the ballot is signed, dated, postmarked, and mailed no later than the day of the election and received by the county clerk no later than 5:00 p.m. ten (10) days after the election. \([A.C.A. \ § 7-5-411(a)(1)(B)(i)]\)

Absentee ballots of active duty uniformed services personnel will be counted if executed no later than the date of the election and received by the county clerk no later than 5:00 p.m. ten (10) days after election day. \([A.C.A. \ § 7-5-411(a)(1)(B)(ii)]\)

Proper absentee ballots mailed in bulk by a hospital or an administrator of a long-term care or residential care facility licensed by the state are counted provided that the appropriate documentation is included, and that the ballots are timely received on election day. \([A.C.A. \ § 7-5-411(a)(1)(C)]\)
ELECTION PRECINCTS

Establishing and Altering Precincts by Order

The county board of election commissioners establishes precincts and by order may alter the boundaries of existing election precincts and establish new ones.
[A.C.A. §§ 7-5-101(a)(1), (b)(1); 7-7-303]

Precincts must contain no more than 3,000 registered voters. Precincts that contain more than 3,000 voters must be redrawn at least 120 days before the next election.
[A.C.A. §§ 7-5-101, (b)(3) as amended by Act 1211 of 2013]

Written Description/Map:
The order shall contain a written description and map of the boundaries of the precincts that were altered or established and will not be effective until it has been filed with the county clerk.
[A.C.A. § 7-5-101(b)(3)]

Records:
Within thirty (30) days after the boundaries of an election precinct are altered or a new election precinct is established, the county clerk shall submit written, printed and digital copies of the map and description to the Secretary of State and the Arkansas Geographic Information Office.
[A.C.A. § 7-5-101(c)(1) as amended by Act 1211 of 2013]

Upon receipt of the changes, the Secretary of State immediately shall forward a copy to the Office of the Attorney General, Census State Data Center, and Mapping and Graphics Section of the Planning and Research Division of the Arkansas State Highway and Transportation Department. [A.C.A. § 7-5-101(c)(2)]

 Preferential Primary Elections

Election precincts in all political party primary elections shall be the same as established by the county board of election commissioners for general elections. [A.C.A. § 7-7-303]

Restrictions

A precinct may not be altered nor can a new precinct be created by the county board of election commissioners less than 60 days before an election, except in the event of an emergency as determined by unanimous vote of the county board of election commissioners.
[A.C.A. § 7-5-101(b)(2)]
POLLING SITES

**Designation**

The county board of election commissioners shall designate a polling site for each precinct. [A.C.A. § 7-5-101(a)(1)(B)(i)]

**Combined Precincts:**

A polling site may serve two (2) or more precincts or parts of precincts. [A.C.A. § 7-5-101(a)(1)(B)(ii)]

**Unanimous Vote of County Board:**

Designation of polling sites requires a unanimous vote of the members of the county board that are present at the public meeting, except as provided for school elections in Ark. Code Ann. § 6-14-106. [A.C.A. § 7-5-101(a)(2)]

**Joint Primary Elections/Common Polls:**

For primary elections, the county board must establish common polling places for the joint conduct of the primaries of all political parties. [A.C.A. § 7-7-202(d)]

**Location:**

The county board must provide voting locations that are accessible to voters with disabilities and must provide reasonable and adequate methods for voters with disabilities to personally and secretly execute their ballots at the polling places. [A.C.A. § 7-5-311(a)]

Each county shall provide polling places adequate for the operation of the county’s voting system, including without limitation access to a sufficient number of electrical outlets and telephone lines, if necessary. [A.C.A. § 7-5-301(f)]

**Vote Centers:**

Vote centers are election day polling sites where a voter from any precinct in the county may vote. Vote centers may be established either by the county clerk or the county board of election commissioners, only if authorized by the quorum court. [Act 1389 of 2013]

The Secretary of State will promulgate rules relating to the operation of vote centers. [Act 1389 of 2013]

**ADA Compliance:**

The county boards are responsible for compliance with Ark. Code Ann. § 7-5-311 and with Public Law 98-435, Title II of Public Law 101-336, the Americans with Disabilities Act, and the Help America Vote Act regarding the accessibility of voting locations for voters with disabilities. The Secretary of State's Office may be able to assist with grant funds to meet ADA requirements. Contact the Elections Division for more information. [A.C.A. § 7-5-311(d)(1)]

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**STATE BOARD ASSISTANCE ON ADA COMPLIANCE**

The State Board of Election Commissioners assists local election authorities with the implementation of Title II requirements of the Americans with Disabilities Act and with the Title III requirements of the Help America Vote Act regarding accessibility for voters with disabilities. [A.C.A. § 7-5-311(b)]

Before each general election, the State Board mails each county detailed and comprehensive written directives relating to and based upon Title II of the Americans with Disabilities Act guiding county boards of election commissioners in the preparation of forms for evaluating and reporting on the accessibility of the county’s polling sites. Based upon information provided by the counties to the State, the State Board compiles a report demonstrating compliance by the county election authorities.
**Reduction/No Poll**

If there are no opposed races and no other ballot issues to be decided at a primary election, the county board of election commissioners may reduce the number of polling places or open no polling places on election day. [A.C.A. § 7-7-313]

The election shall be conducted by absentee ballot and early voting only. [A.C.A. § 7-7-313]

**Restrictions**

Unless changed by order of the county board of election commissioners, the polling sites for each election are the same as those established for the immediately preceding general election, except as provided in Ark. Code Ann. § 6-14-106 for school elections (same as last school election). [A.C.A. § 7-5-101(d)(1)]

A polling site cannot be changed by the county board less than thirty (30) days before an election, except in the event of an emergency. Notice of a polling site change is posted at the former polling site. Also, notice is mailed by the county clerk to all affected voters except that mail notice is not required for school elections, special elections and emergency changes made within 15 days of an election. [A.C.A. § 7-5-101(d)(2), (3) as amended by Act 546 of 2013]
ELECTION OFFICIALS

Election Officials Defined

Election officials include persons designated by the county board of election commissioners to serve as poll workers and absentee ballot clerks. [A.C.A. §§ 7-1-101; 7-5-414]

**Best Practice:** If possible, election officials designated for central count tabulation should represent both the majority and minority parties.

Selection/Appointment:
The county board of election commissioners must select and appoint a sufficient number of poll workers for each polling site at least 20 days before the election. [A.C.A. §§ 7-4-107(b)(1); 7-7-302]

Number:
Each polling site must have a minimum of two election clerks, one election judge, and one election sheriff. [A.C.A. § 7-4-107(b)(2)]

Split Shifts:
A poll worker may be permitted by the county board to work half-day or split shifts at a poll on election day, if the required number of poll workers is always present. [A.C.A. § 7-4-107(d)]

Minority Party Representation:
The minority party member of the county board shall have the option to designate one fewer poll workers than the majority of poll workers at each polling site, with a minimum of two per poll. [A.C.A. § 7-4-107(b)(2)]

Failure to Agree on Selection:
If the county party representatives on the county board fail to agree on any poll worker to fill any election post allotted to that respective party by the deadline for selecting and appointing poll workers, then the county board appoints the remaining poll workers. [A.C.A. § 7-4-107(b)(2)]

**Explanatory Note:** For polling places where the minority party member of the county board declines to exercise the option to designate poll workers, the workers are selected by majority vote of the board as a whole. When the minority party member exercises the option to designate poll workers at any given poll, the remaining poll workers at that poll are appointed by majority vote of the county board as a whole.

Poll Workers

Qualifications:
To serve as a poll worker, the **poll worker must be:**

- A qualified elector of the state (see the definition on page 5); [A.C.A. § 7-4-109(a)(1)]
- Able to read and write the English language; and [A.C.A. § 7-4-109(a)(1)]
ELECTION OFFICIALS

- A resident of the precinct that he or she will serve at the time of appointment, unless it is impossible to obtain qualified poll workers for any precinct, in which case, the county board can, by unanimous vote and upon certification to the county clerk, designate another qualified citizen of the county to serve in the precinct. [A.C.A. § 7-4-109(b)]

All poll workers must attend training coordinated by the State Board of Election Commissioners. [A.C.A. § 7-4-109(e)(1)]

Disqualifications:
A poll worker cannot:
- Have been found or pled guilty or nolo contendere to the violation of an election law of this state; [A.C.A. § 7-4-109(a)(1)]
- Be a paid employee of a political party; [A.C.A. § 7-4-109(c)(1)]
- Be a paid employee of a candidate for office on the county’s ballot; [A.C.A. § 7-4-109(c)(1)]
- Be a candidate for an office to be filled at an election while serving as a poll worker; and [A.C.A. § 7-4-109(a)(2)]
- Be married to or related within the second degree of consanguinity to a candidate running for office in the election, if objection is made to the county board of election commissioners within ten (10) days after the list of officials is posted. [A.C.A. § 7-4-109(d)]

STATE BOARD CHART ON DEGREES OF CONSANGUINITY

The State Board of Election Commissioners has developed a chart to assist the commissions in determining a poll worker’s degree of relationship to a candidate on the ballot. The chart of Degrees of Consanguinity is provided in the Forms section in the back of this manual.

Paid Employee of School District:
A person otherwise qualified under Arkansas law to serve as a poll worker who is a paid employee of a school district holding a school election is disqualified from serving as a poll worker in the school district holding the election. [A.C.A. § 6-14-106(f)(2)]

College and High School Students

Special Election Day Program:
The county board of election commissioners may conduct a special election day program for college and high school students in one (1) or more polling places designated by the county board according to Ark. Code Ann. §§ 7-4-116 and 7-4-117.

High school and college students under eighteen (18) years of age on the election day in which participating shall serve as volunteer election pages without compensation.

High school and college students at least eighteen (18) years of age on the election day in which participating who meet all other qualifications of a poll worker may serve as poll workers. High school students may be compensated, and college students shall be compensated for serving as poll workers.
Compensation

Election officials shall receive a minimum of the prevailing federal minimum wage for holding an election, or a greater amount as may be appropriated. [*A.C.A. § 7-4-112(a)*]

Election officials carrying election materials to and from the polling sites shall be allowed mileage at the rate appropriated, but not more than the rate prescribed for state employees in state travel regulations. [*A.C.A. § 7-4-112(b)*]

The county board of election commissioners shall certify to the county court the per diem of election officials and the mileage of the election officials carrying the returns to the county board for allowance. [*A.C.A. § 7-4-107(c)*]

<table>
<thead>
<tr>
<th>STATE BOARD RULES AND GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>For state-funded elections, the State Board of Election Commissioners has promulgated rules under the Administrative Procedure Act and developed guidelines establishing election official compensation. [<em>A.C.A. § 7-7-201(a)</em>]</td>
</tr>
<tr>
<td>The State Board of Election Commissioners’ rules for reimbursement of state-funded election expenses are provided in the Forms section in the back of this manual.</td>
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PUBLIC NOTICES

Written Notices

Drawing for Ballot Position:
For preferential primary and general elections, each county board of election commissioners shall hold a public meeting to draw for ballot position at least seventy-two (72) days before the election. [A.C.A. §§ 7-5-207(c)(1); 7-7-305(b)]

For runoff elections, the ballot order for eligible candidates is the same as for the previous election leading to the runoff. [A.C.A. §§ 7-5-207(c)(3); 7-7-201(d)]

The county board must give at least ten (10) days’ written notice of the time and place of the meeting to draw for ballot position to the chairs of the county party committees, if the chairs are not members of the county board. [A.C.A. § 7-7-305(b)]

Mailings:
Except for school, special elections, and emergency poll changes, the county clerk shall mail the notice of a change made in a polling site to each affected registered voter at least 15 days before the election. Emergency changes to polling places made within the 15-day widow do not require mailing. [A.C.A. § 7-5-101(d)(3) as amended by Act 546 of 2013]

Newspaper Publications

Drawing for Ballot Position:
The county board of election commissioners must publish the notice of holding a public meeting to draw for ballot position in a newspaper of general circulation in the county at least three days before the meeting. [A.C.A. §§ 7-5-207(c)(2); 7-7-305(b)]

Voting Machine Preparation:
Before voting machine preparation can begin, the county board must publish a notice in a newspaper of general circulation in the county stating the time and place voting machines will be prepared for the election and of a time that the machines may be inspected by one representative of each candidate. [A.C.A. § 7-5-516]

Voting Machine Testing:
The county board must publish a notice of the time and place of testing voting machines at least 48 hours before the testing by publication one time in one or more daily or weekly newspapers in the town, city, or county using the voting machines. [A.C.A. § 7-5-515(c)(2)]

Electronic Vote Tabulating Device Testing:
The county board must publish a notice of the time and place of testing electronic vote tabulating devices at least 48 hours before the testing by publication one time in one or more daily or weekly newspapers in the town, city, or county using the devices. [A.C.A. § 7-5-611(a)(3)]
PUBLIC NOTICES

Notice of Election:
At least 20 days before preferential primary and nonpartisan general elections held in May and general and nonpartisan general runoff elections held in November, the county board must publish public notice of the election in a newspaper of general circulation in the county. [A.C.A. § 7-5-202(a)]

At least 10 days before primary runoff elections held in June, general runoff elections held in November, and any special elections, the county board shall publish public notice in a newspaper of general circulation in the county. [A.C.A. § 7-5-202(a)]

At least five days before all elections, the public notice of the election must be published a second time in a newspaper of general circulation in the county. [A.C.A. § 7-5-202(b)(1)]

Content of Public Notice of Election:
The public notice of the election shall contain the date of the election, the hours of voting on election day, the places and times for early voting, polling sites for holding the election in the county, the candidates and offices to be elected, and the time and location of opening, processing, canvassing, and counting ballots. [A.C.A. § 7-5-202(a)]

Postings

List of Appointed Election Officials:
At least fifteen (15) days before the election, the county board of election commissioners must post the list of appointed election officials in a public place in its county clerk’s office. [A.C.A. § 7-5-202(b)(2)]

Nominations/Amendments/Measures/Questions:
At least ten (10) days before the general election, the county board must post a list at the door of the courthouse of all nominations, of all proposed amendments to the Arkansas Constitution, and of all other measures and questions required by law to be submitted to the electors. [A.C.A. § 7-5-206]

Polling Site Changes:
Notice to the electors of a change made in a polling -site must be posted at the polling site used in the last election. [A.C.A. § 7-5-101(d)(3)]
BALLOTS

Unopposed Candidates

Primary Elections:
A candidate who runs unopposed for a position on the county committee is omitted from the primary election ballot and the candidate is selected to serve in that position on the county committee in the same manner as if elected at the primary election. [A.C.A. § 7-3-104(a)(2)(B)]

Except for unopposed candidates seeking election as members of the county committee the names of unopposed candidates running for elective office, along with the office sought, are placed on political party primary election ballots. [A.C.A. § 7-7-304(d)]

The names and the office sought of all unopposed candidates, including municipal candidates, are grouped together on the primary ballot under the label “Unopposed Candidates”. Unopposed mayors and circuit clerks are not listed separately on the primary ballot— the separate listing for those offices is only for the general election. [A.C.A. § 7-7-201(d)]

General Elections:
For general elections, the names of unopposed candidates for the office of mayor and for the office of circuit clerk are placed on the general election ballot separately from all other unopposed candidates on the ballot, and the votes for each contest shall be tabulated as in all contested races. [A.C.A. §§ 7-5-207(a)(2)(B), (a)(3)(B); 7-5-315; 14-42-206(c)(2)]

All unopposed candidates for municipal offices except mayor are declared and certified elected without being placed on the general election ballot. [A.C.A. §§ 7-5-207(a)(2); 14-42-206]

The names and office of all remaining unopposed candidates, including unopposed write-in candidates, are grouped together on the ballot under the label “Unopposed Candidates”. [A.C.A. § 7-5-207(a)(3)(A)(i),(ii)]

A voter may cast a vote for all the unopposed candidates listed in the grouping by placing an appropriate mark by the label. [A.C.A. § 7-5-207(a)(3)(A)]**
Certified Nominations

Except as provided by law for unopposed candidates, all election ballots provided by the county board of election commissioners of any county in this state for any election shall contain in the proper place the name of every candidate whose nomination for any office to be filled at that election has been certified to the county board and shall not contain the name of any candidate or person who was not certified. [A.C.A. 7-5-207(a)(1)]

Form of Ballots

Alike:
Ballots provided by the county board of election commissioners for an election shall be alike and shall be in plain type, however, different colored ballots may be used at primary elections to distinguish between political parties. [A.C.A. §§ 7-5-208(a); 7-5-601(a); 7-7-305(a)]

Ballot Heading:
The heading of each ballot shall read: “OFFICIAL BALLOT (description) ELECTION (date), (year) Vote by placing an appropriate mark opposite the person for whom you wish to vote.” [A.C.A. §§ 7-5-208(b)(1); 7-5-601(d)(1)]

If the ballot contains an initiated or referred amendment, act, or other measure, the heading shall also contain these words, “Vote on amendments, acts, and measures by placing an appropriate mark below the amendment (or act or measure) either FOR or AGAINST.” [A.C.A. §§ 7-5-208(b)(2); 7-5-601(d)(2)]

Ballot Instructions:
Paper ballots must contain printed instructions under the heading that inform the voter of the effect of casting multiple votes for an office or measure and how to correct the ballot before it is cast and counted, including instructions on how to correct an error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct an error. [A.C.A. § 7-5-601(e)]

Best Practice: If instructions about the use of marking devices are included on the ballot, please consult with the county clerk to avoid any confusion for absentee voters.

Form of Candidate Names and Titles:
The Secretary of State must review either political practices pledges, if timely filed, or party certificates if the political practices pledge is not timely filed, and certify the form in which the names and titles of candidates filing for federal, state, and district offices will appear on the ballot. [A.C.A. § 7-7-305(c)(2), (3)(A)]

The Secretary of State must review the political practices pledges for nonpartisan candidates filing for the office of Supreme Court, Court of Appeals, circuit court, district court and prosecuting attorney and certify the form in which the candidates’ names and titles will appear on the ballot. [A.C.A. § 7-10-103(j)(2), (3)]
The county boards must review either political practices pledges, if timely filed, or party certificates if the political practices pledge is not timely filed, and certify the form in which the names and titles of candidates filing for county, township, school, and municipal office will appear on the ballot. [A.C.A. § 7-7-305(c)(2), (3)(A)]

The name of every candidate shall be placed on the ballot in the form certified by either the Secretary of State or the county board. [A.C.A. §§ 7-7-305(c)(3)(A); 7-10-103(f)(3)]

If the ballot lacks enough space for the requested title, the county board may substitute an abbreviated title and must immediately notify the affected candidate. [A.C.A. § 7-7-305(c)(3)(B), (C); 7-10-103(f)(3)(B), (C)]

A candidate is not permitted to change the form in which his or her name will be placed on the ballot after the deadline for filing the political practices pledge. [A.C.A. §§ 7-7-305(c)(4); 7-10-103(f)(4)]

### STATE BOARD GUIDELINES FOR BALLOT NAME CERTIFICATION

The State Board of Election Commissioners has developed guidelines to assist the county boards of election commissioners in reviewing local candidate names and titles according to Ark. Code Ann. § 7-7-305(c).

The State Board’s Guidelines for Ballot Name Certification offer guidance on use of given names, nicknames, professional or honorary titles, and titles of elective public offices and will be provided under separate cover before the filing period begins.

The names of federal, state, judicial, prosecutorial, and district candidates that are certified by the Secretary of State shall be printed on the ballot in the exact form as certified by the Secretary of State.

**Listing of Candidate Names:**
The name of each candidate who has been nominated or has qualified as required by law must be listed on the ballot in a perpendicular column under the name of each office to be filled. [A.C.A. § 7-5-208(c)(1)]

**Order of Names on Ballot:**
The county board must hold a public meeting not less than seventy-two (72) days before the preferential primary and nonpartisan general elections held in May and before the general election held in November and determine by lot the order that the names of candidates will appear on the ballot. [A.C.A. §§ 7-5-207(c)(1); 7-7-305(b)]

For runoff elections, the ballot order for eligible candidates shall be the same as for the previous election leading to the runoff. [A.C.A. §§ 7-5-207(c)(3); 7-7-201(d)]
**Party Designation:**
Except for a nonpartisan election or nonpartisan municipal election, beside each candidate’s name shall be his or her party designation or the term “INDEPENDENT”, as the case may be. [A.C.A. § 7-5-207(d)]

**President and Vice President:**
The names of the candidates for President and the names of the candidates for Vice President along with their political party designation are placed on the ballot rather than the names of the candidates for electors. [A.C.A. § 7-8-302(4)]

A vote cast for the names of President and Vice President is not considered as a direct vote for the candidates, but as a vote for the list of electors chosen by the respective political parties. [A.C.A. § 7-8-302(4)]

**Write-in Candidates:**
A blank line for the voter to write in a name on the ballot is provided for only those positions or offices for which a person has qualified as required by law to be a write-in candidate. [A.C.A. §§ 7-5-208(c)(2); 7-5-610]

**Proposed Statewide Measures:**
The ballot title and popular name of each proposed state measure and each referred act are placed on the ballot as certified to the county board by the Secretary of State. [A.C.A. § 7-9-117(a)]

The title and popular name must be stated plainly and followed by the words, “FOR ISSUE NO…”, “AGAINST ISSUE NO…”. [A.C.A. § 7-9-117(b)]

Each ballot title must be separate and apart from each other. [A.C.A. §§ 7-9-117(c)(1); 14-14-917(d)]

Each statewide measure is designated as an issue by the Secretary of State and numbered consecutively beginning with “Issue 1”. [A.C.A. § 7-9-117(c)(2)]

Each issue, if any, shall be placed on the ballot beginning with constitutional amendments proposed by the General Assembly, followed by initiated constitutional amendments, statewide initiated acts, referred acts of the General Assembly, questions referred by the General Assembly, and other measures that may be referred. [A.C.A. § 7-9-117(c)(2)]

**Proposed Local Measures:**
The ballot titles of measures submitted by municipalities, counties, and other political subdivisions are placed on the ballot separate from statewide measures and numbered consecutively for each political subdivision beginning with initiated local measures, followed by referred local measures, and other measures that may be referred. [A.C.A. §§ 7-9-117(c)(3); 14-14-917(b)(1), (d)]
The ballot title for county initiative or referendum shall be stated plainly and followed by the words, “FOR PROPOSED INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT) NO. __________”, “AGAINST PROPOSED INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT) NO. __________”. [A.C.A. § 14-14-917(d)]

A question of removal of a person holding an elective office with a four (4) year term in a municipality with a mayor-council form of government shall be submitted in substantially the following form: “FOR the removal of (name of officer) ......... from the office of (name of office ........[ ], AGAINST the removal of (name of officer) ........... from the office of (name of office ............ [ ]”). [A.C.A. § 14-42-119]

Marking Areas:
Ballots must contain a place for marking a vote for a candidate adjacent to and on the same line as the name of each candidate. [A.C.A. § 7-5-208(d)]

Below each act, amendment, or other measure to be voted on, the words “FOR” and “AGAINST” must be situated one above the other with a place for marking a vote for each act, amendment, or other measure adjacent to and on the same line of each word. [A.C.A. § 7-5-208(d)]

The words “VOTE FOR __________” are placed opposite the designation of each office with the number of persons required to fill the office placed in the blank space. (This will almost always be “VOTE FOR ONE”). [A.C.A. § 7-5-208(e)]

Ballot Stubs:
Paper ballots must be printed with a perforated portion capable of being detached for use as the ballot stub. [A.C.A. § 7-5-601(b)]

Ballot stubs must be numbered consecutively beginning with the number 1 so that the number on the last ballot printed shall represent the total number of paper ballots provided for the election. [A.C.A. § 7-5-601(c)]

Combined Primary and Nonpartisan General Elections:
The county boards must furnish separate ballots for each political party containing the names of the candidates seeking the political party’s nomination, the names of all qualified candidates seeking election to nonpartisan offices, and all measures and questions, if any, to be decided by the voters. [A.C.A. §§ 7-7-306; 7-10-102(b)(2)]

In addition to a combined ballot for each political party, a separate ballot containing the names of the candidates seeking election to nonpartisan offices and all measures and questions, if any, to be decided by the voters must be prepared for voters who do not wish to vote in a primary. [A.C.A. §§ 7-7-306; 7-10-102(b)(2)]

Quantity of Paper Ballots:
When a county uses a paper ballot voting system whether counted by hand at the polling site, counted by an electronic vote tabulating device at the polling site, or counted at a central location, the county board must provide a minimum number of ballots for each election precinct
equivalent to 1.5 times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of 105% of the total number of registered voters for the respective precinct. [A.C.A. § 7-5-602(a)]

The resulting calculation of 105% of the total number of countywide registered voters represents the maximum total number of paper ballots to print for the election for the entire county.

**STATE BOARD RULES AND GUIDELINES ON COUNTY REIMBURSEMENT**

For state-funded elections, the State Board of Election Commissioners has promulgated rules under the Administrative Procedure Act defining election expenses that are eligible for reimbursement and has developed guidelines containing instructions and forms for the counties’ use in requesting reimbursement from the State Board.

Among many other items, maximum ballot printing costs for those counties using a voting machine system and maximum allowances for printing special absentee runoff ballots are addressed by rule.

The State Board’s Rules for Reimbursement of Expenses for State-Funded Elections are provided in the Forms section in the back of this manual.

**Ballot Errors or Omissions:**

If errors or omissions are discovered in the preparation of ballots, the county board must hold a public meeting and announce the ballot errors or omissions and immediately correct the error or omission or show cause why the correction should not be done. [A.C.A. § 7-5-209]
VOTING EQUIPMENT

Voting Machines

Demonstration:
The county board of election commissioners may designate times and places where voting machines may be demonstrated for instructing voters in their use according to Ark. Code Ann. § 7-5-509.

A voting machine cannot be used for instruction once prepared and secured for an election. [A.C.A. § 7-5-509(c)]

Preparation:
The county board is responsible for the preparation, programming oversight, testing, and adjustment of voting machines for the election, including preparation and certification of ballot styles. [A.C.A. §§ 7-5-512(a); 7-5-515(a)]

Voting machines must be programmed to reject overvotes. [A.C.A. § 7-5-515(c)(4)]

Voting machines must be programmed to allow a voter to enter the name of qualified write-in candidates on the ballot. [A.C.A. § 7-5-525(b)(1)]

Testing:
At least seven (7) days before early voting begins, the county board must have each machine to be used at the election tested to determine whether the voting system will correctly count the votes cast. [A.C.A. § 7-5-515(c)(1)]

The test shall be open to representatives of the political parties, candidates, media, and the public. [A.C.A. § 7-5-515(c)(3)]

The test shall consist of pre-auditing a group of test ballots to predetermine the number of valid votes cast for each candidate and each measure, voting the test ballots on the voting machines, confirming rejection of overvotes, and comparing the results for any discrepancies. [A.C.A. § 7-5-515(c)(4)]

The test should include at least one (1) overvoted ballot for each contest to determine if the voting machine will reject the votes. [A.C.A. § 7-5-515(c)(4)]

The county board must determine the cause of any errors detected, correct the problem, and produce an errorless count before approving the machine for use in an election. [A.C.A. § 7-5-515(c)(5)]
Once a voting machine has been properly prepared, tested, and examined by candidates or their designated representative, the county board:

- Certifies the accuracy of the voting system and file the test results with the county clerk;
- Seals, retains, and disposes of the ballots and programs used to test the machines as provided by law;
- Makes the voting machine inaccessible further to voting;
- Places any activation device in a sealed package on which is written the serial number and precinct location of the voting machine and the number registered on the protective counter or device, and retains them until turned over for delivery to poll workers; and
- Certifies the number on the protective counter and that all question counters are set at zero (000) for each machine. \([A.C.A. \text{ §§ 7-5-515(e); 7-5-517}]\)

### STATE BOARD’S CERTIFICATION OF LOGIC AND ACCURACY TESTING RESULTS

To assist the county board of election commissioners in meeting its statutory reporting requirement, the State Board of Election Commissioners has developed a certification form for the county board’s use in certifying the accuracy of its voting machines and for filing the results with the county clerk as required by law.

The State Board’s Certification of Logic and Accuracy Testing Results form is provided in the Forms section in the back of this manual.

**Delivery:**

The county board must deliver the voting machines to the poll workers at each polling site and the voting machines must remain inactivated against voting until the polls are formally opened for voting. Posting of "zero tapes" is required to assist in meeting this requirement. \([A.C.A. \text{ §§ 7-5-512(c); 7-5-518(a)}]\)
**Electronic Vote Tabulating Devices**

**Preparation:**
The county board of election commissioners must have the electronic tabulating devices used for scanning votes properly programmed and tested before delivery to the election precincts.  
*[A.C.A. § 7-5-611(a)(1)]*

Electronic vote tabulating devices used to count votes at the polling sites must be programmed to reject ballots containing overvotes. *[A.C.A. § 7-5-604(a)(5)(B), (6)(B)]*

**Testing:**
At least seven (7) days before early voting begins, the county board must have the electronic vote tabulating devices tested to determine whether the equipment will correctly count the votes cast.  
*[A.C.A. § 7-5-611(a)(2)]*

The test is open to representatives of the political parties, candidates, press, and the public.  
*[A.C.A. § 7-5-611(a)(4)]*

The test consists of generating a zero printout tape, preauditing a group of test ballots to predetermine the number of valid votes cast for each candidate and each measure for each precinct, scanning the test ballots on the devices, confirming rejection of overvoted ballots, and comparing the results for any discrepancies.  
*[A.C.A. § 7-5-611(a)(5)]*

The test must include at least one (1) overvoted ballot for each contest to test the devices’ ability to reject overvotes.  
*[A.C.A. § 7-5-611(a)(5)(C)]*

Upon completion of testing, the county board must clear the devices of any votes cast during testing, certify the accuracy of the voting system, and file the test results with the county clerk.  
*[A.C.A. § 7-5-611(a)(7), (8)]*

**Delivery:**
The county board must have the electronic vote tabulating devices delivered to all election precincts where a device is to be used.  
*[A.C.A. § 7-5-611(a)(1)]*
ELECTION MATERIALS

Delivery

Designee:
At least one (1) day before any election, the county board of election commissioners must designate a person or persons to whom the county board will furnish ballots and supplies for delivery to poll workers at each poll. [A.C.A. § 7-5-211(a)]

The designee may not be an elected official, an elected official’s deputy, or a candidate for office. [A.C.A. § 7-5-211(a)]

The county board is responsible for the security of the delivered election materials. [A.C.A. § 7-5-211(b)]

Inspection:
Election materials will vary by county depending upon the type of voting system in use and the type of election being conducted. Election materials should be inspected before opening the polls to ensure that all necessary election materials are available.

Supplies

Supplies may include:
- Voting booths [A.C.A. § 7-5-309(a)(1)]
- Ballots [A.C.A. §§ 7-5-602; 7-7-305(a)]
- Ballot boxes [A.C.A. §§ 7-4-107(a); 7-5-211(a)(2)(A)]
- Stub boxes [A.C.A. §§ 7-5-308(a)(3); 7-5-309(b)(3)]
- Numbered ballot box seals [A.C.A. § 7-5-211(a)(2)(A)]
- Election kits
- Magnifiers
- Pencils
- Pens
- Permanent ink pens (paper ballots counted by hand) [A.C.A. § 7-5-602(c)]
- Manufacturer marking devices (paper ballots with optical scan device) [A.C.A. § 7-5-211(a)(2)(H)]
- Pads
- RTAL paper
- Thermal printer paper
- Scissors
- One hundred foot (100’) spool of string (for marking electioneering area)
- Tape (for required postings)
- Abandoned Ballot envelopes
ELECTION MATERIALS

- Provisional Ballot envelopes [A.C.A. §§ 7-5-211(a)(2)(G); 7-5-308(a)(5)]
- Provisional Voter envelopes [A.C.A. §§ 7-5-211(a)(2)(G); 7-5-308(a)(6)]
- Spoiled Ballot envelopes [A.C.A. § 7-5-602(d)]
- Envelopes for equipment keys
- Envelopes to seal voted paper ballots [A.C.A. §§ 7-5-211(a)(2)(E); 7-5-317(a)(4)(A)]
- Envelopes to seal unused paper ballots [A.C.A. §§ 7-5-211(a)(2)(E); 7-5-317(a)(4)(A)]
- Certificates envelopes [A.C.A. § 7-5-211(a)(2)(E)]
- Packages for voting machine activation devices [A.C.A. § 7-5-527(e)(1)]
- Container with numbered seal for enveloped voted/unvoted paper ballots [A.C.A. §§ 7-5-317(a)(4)(A); 7-5-614(1)]
- Election material transport supplies (boxes, envelopes, containers)

Forms

The following forms must be made available to the poll workers at each polling site on election day:

- Precinct Voter Registration List [A.C.A. §§ 7-5-107(a); 7-5-211(a)(2)(C)]
- Voter Registration Application forms [A.C.A. §§ 7-5-211(a)(2)(G); 7-5-305]
- List of Voters* [A.C.A. § 7-5-211(a)(2)(B)]
- Notice to Provisional Voters* [A.C.A. § 7-5-308(c), SBEC Rules on Vote Challenges, Poll Watchers, and Provisional Voting §906]
- List of Provisional Voters* [A.C.A. § 7-5-308(a)(8)]
- List of Persons Assisting Voters* [A.C.A. § 7-5-310(b)(5)]
- Change in Polling Site Authorization Form*
- Spoiled Ballot Affidavit* [A.C.A. §§ 7-5-602(d); 7-5-609]
- Voter Complaint Form* [A.C.A. § 7-5-510]
- Abandoned Ballot Log* [A.C.A. §§ 7-5-309; 7-5-522]
- Poll Workers’ Certificate* [A.C.A. § 7-5-526]
- Tally sheets (paper ballots counted by hand at the poll) [A.C.A. §§ 7-5-211(a)(2)(D); 7-5-603(1)]
- Certificates of Election Results (paper ballots counted by hand at the poll, precinct electronic vote tabulating devices) [A.C.A. §§ 7-5-211(a)(2)(F); 7-5-603(4); 7-5-613(2)]

STATE BOARD FORMS

The forms listed above that are marked with an asterisk (*) were developed by the State Board of Election Commissioners to assist the county boards of election commissioners with ensuring that its poll workers complete all reporting required by law on election day.

The forms are provided in the Forms section in the back of this manual.

Additional reference materials that address commonly misunderstood election day procedures are available in the Training Guide and Checklist for Poll Workers. The State Board recommends that the Poll Workers keep these Quick Guides handy for reference throughout voting hours.
**Required Postings**

The following information must be posted in a conspicuous place at each polling site on election day before opening the polls and remain posted continuously until the polls close:

- Public Notice of the Election \[A.C.A. § 7-5-202(c)(1)\]
- At least two (2) sample ballots marked “SAMPLE” for each ballot style to be used at the poll \[A.C.A. § 7-5-202(c)(2)\]
- Clear, written instructions for voting on a voting machine \[A.C.A. § 7-5-512(d)\]
- Two (2) copies of the full text of all measures on the ballot \[A.C.A. §§ 7-5-202(c)(3); 7-9-114(b)\]
- Zero printout tape signed by the poll workers from each voting machine and electronic vote tabulating device at the poll \[A.C.A. §§ 7-5-202(c)(8); 7-5-518(c)(1); 7-5-611(b)\]
- At least two (2) copies of instructions on how to vote, including instructions for failsafe and provisional voting \[A.C.A. § 7-5-202(c)(4)\]
- General information on federal and state voting rights* \[A.C.A. § 7-5-202(c)(5)\]
- General information on the right of an individual to cast a provisional ballot with instructions on how to contact the appropriate officials if these rights are alleged to have been violated* \[A.C.A. § 7-5-202(c)(5)\]
- General information on federal and state laws on prohibitions on acts of fraud and misrepresentation* \[A.C.A. § 7-5-202(c)(6)\]
- Notice on Electioneering \[A.C.A. §§ 7-1-103(a)(9); 7-1-104(a)(7)\]
- VOTE HERE signs \[A.C.A. § 7-5-202(c)(7)\]
- Americans with Disabilities Act (ADA) signs \[A.C.A. § 7-5-311(d)\]
- Poll Watcher Rights and Responsibilities \[A.C.A. § 7-5-312(f)\]

**POSTINGS**

The three (3) posters above that are marked with an asterisk (*) provide general information on federal and state voting rights, general information on the right of an individual to cast a provisional ballot, and general information on federal and state laws on prohibitions on acts of fraud and misrepresentation are legally required to be posted at each poll and are provided to the county boards of election commissioners by the Secretary of State’s office according to Ark. Code Ann. § 7-5-202(d).

A Poll Watcher Authorization Form is provided by the State Board in the Forms section in the back of this manual. The portion of the Form that describes a poll watcher’s rights and responsibilities is required by law to be posted at each polling place.

Although not required by law to be posted, the State Board of Election Commissioners strongly urges posting of a Notice on Electioneering at each poll to enforce electioneering laws and maintain order. A sample Notice on Electioneering that describes actions considered as electioneering, prohibitions on electioneering, and the punishment for violation of electioneering laws was developed by the State Board and is provided in the Forms section in the back of this manual.

Also provided is an optional posting for attaching to voting machines that warns the voter against casting the ballot if the voter suspects that he or she may have been issued the wrong ballot as well as an optional posting warning voters and poll workers of the consequences of cross-over voting.
VOTER ID

Beginning in 2014 each voter at the polls will be required to present specific kinds of photo identification (“ID”). Voters at the polls who fail to provide proper photo ID may cast a provisional ballot that can be counted if the voter returns after the election with his/her photo ID or an affidavit that the voter is indigent or has a religious objection to being photographed. The ballots of absentee voters who fail to provide copies of their ID will not be counted, except for exempt voters.

Voters at the polls must show “proof of identity” (“POI”) unless they are residents of a long term care facility, in which case they may instead present documentation from the administrator attesting to their status in the facility.

POI is a document that shows a photograph of the voter; is issued by the United States, the State of Arkansas, the county clerk or an accredited post educational institution in the State of Arkansas and, if it has an expiration date, is expired no more than four years before the election. [Act 595 of 2013]

STATE BOARD’S RULES ON VOTER ID

The State Board of Election Commissioners’ Rules on Voter Identification, Rules on Poll Watchers, Vote Challenges, and Provisional Voting (in the back of this manual) and the Poll Worker Training Guide cover in detail the application of the new voter ID requirement.
Poll Workers’ Training Guide/Checklist

Purpose:
A Poll Workers’ Training Guide/Checklist was developed and published by the State Board of Election Commissioners for the dual purpose of use by poll workers when attending training and as a tool for poll workers on election day. The guide/checklist is designed to assist poll workers in identifying and completing all tasks legally required of them on election day and to aid them in properly addressing and documenting various situations that may occur throughout election day.

The Poll Workers’ Training Guide/Checklist covers:
1) Tasks to be completed before opening the poll, during voting hours, and upon closing the poll;
2) Necessary supplies;
3) Forms to be completed, along with a description of each form’s use, and a sample;
4) Legally required postings;
5) Processing voters, various voting scenarios that may occur, and the legal procedures for fail-safe voting;
6) Poll watchers and their rights and responsibilities;
7) Assisting voters;
8) Spoiled ballots;
9) Abandoned ballots;
10) Electioneering;
11) Exit polls;
12) Conflict resolution;
13) Closing the poll; and
14) Departing the poll.

For quick and easy reference on election day, the Poll Workers’ Training Guide/Checklist contains seven (7) guides covering some of the more complicated procedures that poll workers may face on election day. The single page guides address voter identification procedures, fail-safe voting procedures, provisional voting procedures, assistance to voters, spoiled ballot procedures, abandoned ballot procedures, and absentee voting procedures.

STATE BOARD’S POLL WORKERS’ TRAINING GUIDE/CHECKLIST

The State Board of Election Commissioners provides each county with the equivalent of six (6) poll workers’ training guides per polling site.

The State Board strongly urges the county boards of election commissioners to ensure that at least one (1) poll workers’ training guide/checklist is completed throughout election day by the poll workers at each polling site and returned to the county board, along with the other election materials upon closing the poll.

Assistance

County Board of Election Commissioners:
All three (3) county election commissioners should be available on election day to assist poll workers with any problems that may be encountered.
POTENTIAL ELECTION DAY PROBLEMS

Timely Opening of Poll

Poll workers must open the polls at precisely 7:30 a.m. and keep the polls open continuously until 7:30 p.m. [A.C.A. § 7-5-304(a)]

Voting Machine Malfunction

If the poll workers at a polling site notify the county board of election commissioners that a voting machine has malfunctioned, the county board must be prepared to immediately deliver to the poll paper ballots, ballot boxes, replacement voting machines, if available, and any other necessary equipment or supplies required by law for voting. [A.C.A. § 7-5-513]

<table>
<thead>
<tr>
<th>STATE BOARD’S VOTER COMPLAINT FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>The State Board of Election Commissioners developed a Voter Complaint Form for voters to use to file a complaint about the function of a voting machine.</td>
</tr>
<tr>
<td>Poll workers are required under Arkansas law to forward all voter complaint forms to their county boards of election commissioners for investigation.</td>
</tr>
<tr>
<td>The State Board’s Voter Complaint Form is provided in the Forms section in the back of this manual.</td>
</tr>
</tbody>
</table>

Electioneering

Defined:

Electioneering includes soliciting votes or distributing literature regarding any candidate or issue on the ballot, soliciting signatures on any petition, soliciting contributions, and attempting to win votes by wearing or displaying campaign buttons, caps, shirts, signs, or other articles of influence. [A.C.A. §§ 7-1-103(a)(9); 7-1-104(a)(7)]

Prohibitions:

Electioneering of any kind whatsoever is prohibited in the building or within one hundred feet (100’) of the primary exterior entrance used by voters to enter the building containing the early voting site or the polling site on any election day or any day on which early voting is allowed. [A.C.A. § 7-1-103(a)(9)]

Punishment:

Violation of electioneering laws is, at the minimum, a Class A misdemeanor offense punishable by fine or confinement. [A.C.A. §§ 7-1-103(b); 7-1-104(b)(1)]

<table>
<thead>
<tr>
<th>STATE BOARD’S ELECTIONEERING NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The State Board of Election Commissioners’ electioneering notice for posting at the primary exterior entrances used by the voters to enter the building containing the polling place and for posting within the building, as deemed necessary, to enforce electioneering laws is provided in the Forms section in the back of this manual.</td>
</tr>
</tbody>
</table>
POTENTIAL ELECTION DAY PROBLEMS

**Ballot Security**

**Prohibition Against Carrying Ballot Outside:**
A person may not carry a ballot outside of the polling place. [*A.C.A. §§ 7-1-103(a)(14); 7-5-309(f)]

**Punishment:**
Violation is a Class A misdemeanor offense punishable by fine or confinement. [*A.C.A. § 7-1-103(b)(1)]

**Ballot Secrecy**

**Privacy:**
Each voter must be provided privacy by the poll workers at each polling site or by the county clerk, if the county clerk conducts early voting, to mark his or her ballot. [*A.C.A. §§ 6-14-110; 7-5-309(a)(2); 7-5-310(a); 7-5-418(e)]

**Equipment Arrangement:**
Voting booths, voting machines, and electronic vote tabulating devices shall be in plain view of the poll workers, but placed so that no person can see or determine how the voter casts his or her vote. [*A.C.A. §§ 7-5-310(a); 7-5-521; 7-5-607]*

No one other than poll workers and those voting is allowed within six feet (6') of the voting booths or the part of the room where voting machines are situated unless authorized by the election judge or otherwise provided by law. [*A.C.A. §§ 7-5-310(a); 7-5-521(c); 7-5-524(a)]

**Voter Assistance:**
A voter who informs poll workers at the time that he or she presents himself or herself to vote that he or she is unable to cast the ballot without help must be directed to a voting machine equipped for use by people with disabilities to vote unassisted, or he or she may request assistance with either a paper ballot or the voting machine, depending on the voting system in use for the election, by either two (2) poll workers, or a person named by the voter. A voter requesting assistance shall be assisted without comment or interpretation. Poll Workers must make a list of the names and addresses of all persons who assist voters. [*A.C.A. § 7-5-310(b)]

It is illegal for a person who is assisting a voter to misrepresent the content of the ballot, change or mark the ballot except as intended by the voter, or assist in marking and casting a ballot except as provided in Ark. Code Ann. § 7-5-310. [*A.C.A. § 7-1-103(a)(15), (a)(20)(c)]

Violation is a Class A misdemeanor offense punishable by fine or confinement. [*A.C.A. § 7-1-103(b)]

No person other than a poll worker, the county clerk during early voting, or a deputy county clerk during early voting shall assist more than six (6) voters in marking and casting a ballot at an election. [*A.C.A. § 7-5-310(b)]
**STATE BOARD’S LIST OF PERSONS ASSISTING VOTERS**

The law requires poll workers to make and maintain a list of persons assisting voters during voting hours at the polling site.

The State Board of Election Commissioners developed a form to record the name and address of any person assisting a voter, along with the name of the voter assisted.

The State Board’s List of Persons Assisting Voters is provided in the Forms section in the back of this manual.

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**Handling Voted Ballots:**

It is illegal for a person to unfold a ballot or without the consent of the voter to determine or attempt to determine any vote on a ballot before it is placed in the ballot box.

*A.C.A. § 7-1-103(a)(16)*

Violation is a Class A misdemeanor offense punishable by fine or confinement.

*A.C.A. § 7-1-103(b)*

**Cross-Over Voting**

**Prohibition:**

It is illegal to vote in one (1) political party’s preferential primary election held in May and then vote in a different political party’s primary runoff election held in June. It is also illegal for an election official to knowingly permit any person to vote any but his or her legal ballot or to fraudulently allow any person to vote illegally. *A.C.A. §§ 7-1-103(a)(19)(B); 7-1-104(a)(13), (14)]*

**Punishment:**

Violation is a Class A misdemeanor offense punishable by fine or confinement. Violation by an election official of the prohibition against allowing a voter to cast an illegal ballot is a Class D felony punishable by fine and confinement. *A.C.A. §§ 7-1-103(b); 7-1-104(a)*

**Prevention:**

The county board of election commissioners must ensure that for all preferential primary elections held in May the poll workers mark the Precinct Voter Registration List with a notation such as “D” for Democratic ballot, “R” for Republican ballot, or “NP” for Nonpartisan ballot. *A.C.A. § 7-7-308(b)]*

This information will be noted on the Precinct Voter Registration List for any subsequent runoff election and will be used by the poll workers to prevent cross-over voting.

**Best Practice:** The county board should also consider posting signs at preferential and general primary elections warning voters and poll workers of the consequences of cross-over voting.
Poll Watchers

Defined:
Poll watchers include any candidate in person, any authorized representative of a candidate, an authorized representative of a group seeking passage or defeat of a measure on the ballot, and an authorized representative of a political party with a candidate on the ballot. [A.C.A. § 7-5-312(a), (e)]

Presence:
Each candidate, group, or party may have at any given time one (1) authorized representative present at each location within a polling site on election day or during early voting where voters identify themselves to election officials to observe and determine the identity of persons presenting themselves to vote for the purpose of challenging voters. [A.C.A. § 7-5-312(b)(1), (e)]

Each candidate, group, or party may have at any given time one (1) authorized representative present at each location within the absentee ballot processing site where absentee ballots are processed to observe and determine the identity of absentee voters for the purpose of challenging any absentee vote. [A.C.A. §§ 7-5-312(b)(2), (e); 7-5-416(a)(4); 7-5-417(a)]

An authorized representative of a candidate or political party may be present at a polling site, central counting location, and absentee ballot counting location to witness the counting of ballots by election officials to determine whether ballots are fairly and accurately counted. [A.C.A. §§ 7-5-312(e), (e); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

A candidate may not be present in person at the polls on election day as a poll watcher. [A.C.A. § 7-5-312(a)(1), (e)]

A candidate may be present in person as a poll watcher at an absentee ballot processing site to observe and ascertain the identity of absentee voters for the purpose of challenging any absentee vote. [A.C.A. § 7-5-312(a)(1), (e)]

A candidate may be present in person as a poll watcher at all counting sites to witness the counting of ballots by election officials. [A.C.A. §§ 7-5-312(a)(1), (c), (e); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527(b); 7-5-603(5)(B); 7-5-615(a)]

A candidate may be present in person as an observer at early voting. [A.C.A. § 7-5-413(d)]
POTENTIAL ELECTION DAY PROBLEMS

Documentation:
An authorized representative of any candidate, any group seeking passage or defeat of a ballot measure, and any political party with a candidate on the ballot shall present a file-marked copy of an affidavit in the form of a “Poll Watcher Authorization Form” to an election official immediately upon entering the polling site, absentee ballot processing site, or counting location. [A.C.A. § 7-5-312(d), (e)]

Candidate Identification:
Candidates in person at an early voting location to observe or attend a counting site or absentee ballot processing site as a poll watcher are not required to present a “Poll Watcher Authorization Form”, but must present some form of identification to an election official immediately upon entering the site. [A.C.A. § 7-5-312(e)]

Rights and Responsibilities:
A poll watcher may:
- Observe the poll workers;
- Stand close enough to the place where voters check in to vote so as to hear a voter’s name;
- Compile lists of persons voting;
- Challenge ballots upon notification to a poll worker before the voter signs the precinct voter registration list and upon completing the “Challenged Ballot Form” portion of a “Provisional Voter Envelope”;
- Call any perceived election law irregularity or violation to the attention of an election sheriff;
- Discuss any perceived election law irregularity or violation to the attention of an election sheriff;
- Be present at the opening, processing, and canvassing of absentee ballots to challenge absentee votes in the manner provided by law for personal voting challenges; and
- Challenge a voter only on the grounds that the voter is not eligible to vote in the precinct or that the voter has previously voted at that election. [A.C.A. § 7-5-312(e)]

Poll watchers representing a candidate or political party may:
- Remain at the polling site after the poll closes if ballots are counted at the poll;
- Be present at the counting of votes by hand or by an electronic vote tabulating device at a central location;
- Be present at the counting of absentee ballots to witness the counting of ballots by election officials and to determine whether ballots are fairly and accurately counted; and
- Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted. [A.C.A. § 7-5-312(e)]

Poll watchers may not:
- Be within six feet (6’) of any voting machine or booth used by a voter to cast his or her ballot;
- Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100’) of the primary exterior entrance used by voters to the building containing the polling site; or
- Disrupt the orderly conduct of the election. [A.C.A. § 7-5-312(e)]
STATE BOARD’S POLL WATCHER AUTHORIZATION FORM

The State Board of Election Commissioners has developed a form that designates and authorizes the presence of a representative of a candidate, a representative of a group seeking the passage or defeat of a measure on the ballot, and a representative of a political party with a candidate on the ballot and outlines poll watcher rights and responsibilities.

The State Board’s Poll Watcher Authorization Form was designed in the exact format required by Ark. Code Ann. § 7-5-312 and is provided in the Forms section in the back of this manual.

Election Monitors

Appointment:
Election monitors serve as observers and report to the State Board on the conduct of the election. Election monitors must be certified by the State Board and are appointed only upon a signed, written request under oath filed with the State Board and a determination by the State Board that appointing a monitor is necessary.

Duties:
Certified election monitors must maintain strict impartiality in the conduct of their duties, carry documentation prescribed by the State Board, base all observations on well documented, factual, and verifiable evidence, and prepare a post-election report for submission to the State Board. Certified election monitors should not interfere with the election process, display or wear any partisan symbols, colors, or banners, or make any comments about observations to the media or any other interested persons. Any remarks made by the monitor should be limited to general information about the nature of the activity as an observer.

STATE BOARD’S RULES REGARDING APPOINTMENT OF CERTIFIED ELECTION MONITORS

The State Board of Election Commissioners has promulgated rules on the appointment of certified election monitors under the Administrative Procedures Act.

These rules address requests for election monitors as well as the certification, appointment, qualifications, duties, and compensation of election monitors.

The State Board’s Rules for Appointment of Certified Election Monitors are in the Forms section in the back of this manual.
Provisional Voting

Challenges of Voters:
When there is a question concerning a voter’s eligibility, a provisional ballot is cast by special procedures and counted by the county board of election commissioners if it is cast by a registered voter and is the correct ballot, according to the precinct listed on the voter’s eligibility affirmation, for the precinct of the voter’s residence. [A.C.A. §§ 7-1-101; 7-5-308(d)]

When a voter is required by law to cast a provisional ballot, a poll worker must provide the voter with a copy of a notice that 1) explains the provisional voting process, 2) informs the voter that she/he will be notified by first class mail whether the ballot was counted, 3) instructs the voter who failed to present ID of the deadline and other information for returning to the county clerk or county board of election commissioners with their ID after the election, and 4) provides the date for a hearing for the voter if the county board of election commission rejects the provisional ballot. [A.C.A. § 7-5-308(a)(7), (c); Rules on Poll Watchers, Vote Challenges, and Provisional Voting §906]

The poll workers must record the names and addresses of the voters casting a provisional ballot at the poll. [A.C.A. § 7-5-308(a)(8)]

Prohibition:
It is unlawful for any person to interfere or prevent or attempt to interfere or prevent any qualified elector from voting at any election, except good faith challenges of ballots or voters in the manner provided by law. [A.C.A. § 7-1-104(a)(6)]

Punishment:
Violation is a Class D felony offense punishable by fine or confinement. [A.C.A. § 7-1-104(b)(1)]

STATE BOARD’S RULES REGARDING PROVISIONAL VOTING AND LIST OF PROVISIONAL VOTERS

The State Board of Election Commissioners has promulgated rules on poll watchers, vote challenges, and provisional voting under the Administrative Procedure Act.

The rules address forms of voter identification and failure to provide, voters with questionable eligibility, poll watcher challenges, court-ordered voting extensions, procedures for voting provisionally, preliminary review of provisional ballots, notice to provisional voters, hearings, counting provisional ballots, and certifying official results.

The State Board’s Rules on Poll Watchers, Vote Challenges, and Provisional Voting are provided in the Forms section in the back of this manual. Provided as Attachment “A” to the rules is a sample Provisional Voter Envelope containing a Challenged Ballot Form, a voter eligibility affirmation, a certification section to be completed by the county clerk, and a disposition section for completion by the county board of election commissioners.

*** (Continued on next page )
The State Board’s List of Provisional Voters for recording the names and addresses of voters casting a provisional ballot at the poll as required by law is also provided in the Forms section in the back of this manual along with the Notice to Provisional Voters which contains written information that is required to be provided to provisional voters.

**Spoiled Ballots**

**Procedure:**
If a voter accidentally or mistakenly marks or spoils a paper ballot so that he or she cannot clearly vote the ballot, the voter may return the paper ballot to a poll worker and receive another ballot, not to exceed three (3) ballots in total. [*A.C.A. § 7-5-602(d)(1)*]

A poll worker must cancel the paper ballot by writing “CANCELLED” on the face of the ballot and initialing the ballot. [*A.C.A. § 7-5-602(d)(2)*]

The poll workers must preserve spoiled ballots separately from other ballots for return to the county board of election commissioners. [*A.C.A. § 7-5-602(d)(3)*]

**STATE BOARD’S SPOILED BALLOT AFFIDAVIT**

The State Board of Election Commissioners developed a form explaining the legal procedure for handling a spoiled ballot and for recording the ballot style number of each spoiled ballot, along with the signature of the voter spoiling the ballot.

The State Board’s Spoiled Ballot Affidavit is provided in the Forms section in the back of this manual.
Abandoned Ballots

Not Counted:
If a paper ballot is left in the polling site outside of the ballot box after the voter has departed, a poll worker shall write “Abandoned” on the ballot and place it into an “Abandoned Ballot” envelope with a notation on the outside of the envelope of the circumstances surrounding the abandoned ballot and preserve the ballot separately. The ballot shall not be counted. [A.C.A. § 7-5-309(g)]

Counted:
If an electronic vote tabulating device has rejected a ballot that remains in the receiving part of the device, and the voter has departed the polling site without instructing a poll worker to cancel or replace the ballot, then two poll workers shall override warnings and complete the process of casting the ballot. The poll worker shall document the time they completed the process of casting the ballot, the name of the voter, the names of the poll workers completing the process, and all other circumstances surrounding the abandoned ballot. [A.C.A. § 7-5-309(h)]

If a voter fails to complete the process of casting an electronic ballot on a voting machine and departs the polling site without notifying a poll worker of his or her desire to cancel the ballot prior to departing, two poll workers shall take action to complete the process of casting the ballot. The poll workers must document the time, the name of the voter, if known, the names of the poll workers completing the process of casting the ballot, and all other circumstances surrounding the abandoned ballot. [A.C.A. § 7-5-522(d)]

STATE BOARD’S ABANDONED BALLOT LOG

The State Board of Election Commissioners has developed a log to be used by poll workers to document all circumstances surrounding an abandoned ballot as required by Ark. Code Ann. §§ 7-5-309 and 7-5-522.

The State Board’s Abandoned Ballot Log is provided in the Forms section in the back of this manual.

Disorderly Conduct

Departure:
After voting or declining to vote, the voter must immediately depart from the polling site. [A.C.A. §§ 7-5-309(a); 7-5-522(b)]

Any voter who leaves a voting machine shall not be permitted to return to the machine except to complete the voting process. [A.C.A. § 7-5-522(c)]

Interference:
It is illegal for any person to interfere in any manner with the officials lawfully conducting the election or the canvass. [A.C.A. § 7-1-103(a)(20)(G)]

It is illegal for any person to interfere in any manner with the voters lawfully exercising their right to vote at the election. [A.C.A. § 7-1-103(a)(20)(G)]
People Allowed in Polls:

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 State Board of Election Commissioners or federal agency
- Persons with business in the building (go directly to and from business)
- Persons assisting the County Board of Election Commissioners
- Persons authorized by State or County Board of Election Commissioners

\[A.C.A. \ § 7-5-310\]

Assistance:
Poll workers should be instructed to immediately contact their local election authorities regarding emergencies or to report persons disrupting the election process.

STATE BOARD’S POLL WORKERS’ TRAINING GUIDE
The State Board of Election Commissioners’ Poll Workers’ Training Guide provides an introduction page for recording contact information for poll workers to use on election day to reach their county clerk’s office, each member of their county board of election commissioners, their county election coordinator, and local law enforcement should any emergency arise at the poll. The State Board’s Poll Workers’ Checklist also provides a section for the poll workers to document any events of the day that were out of the ordinary.

Timely Closing of Poll
Persons in Line:
When the polls close at 7:30 p.m., any person who is already in line at the polling site to vote shall be permitted to cast his or her ballot. \[A.C.A. \ §§ 7-5-304; 7-5-524(b)\]

Court Ordered Voting Extension:
If the time established for closing the polls is extended as a result of a federal or state court order or any other order, any person who votes during the extension may vote only by casting a provisional ballot. \[A.C.A. \ § 7-5-304(c)(1)\]

These provisional ballots must be separated and held apart from other provisional ballots cast by those not affected by the order. \[A.C.A. \ § 7-5-304(c)(2)\]

STATE BOARD’S POLL WORKERS’ TRAINING GUIDE
The State Board of Election Commissioners’ Poll Workers’ Training Guide covers in detail the duties and responsibilities of poll workers during voting hours, including paperwork legally required to be completed, processing voters, and legal procedures for handling various voter eligibility issues and voting scenarios.
CLOSING THE POLLS

Open to Public

After the polls have closed, any counting of votes at the polls shall be open to the public, including any poll watchers meeting the requirements of Ark. Code Ann. § 7-5-312. [A.C.A. §§ 7-5-316(a); 7-5-527(b); 7-5-603(5)]

List of Voters Form

Poll workers are legally required to record each voter’s name before he or she votes, make and maintain the list during voting hours at the poll, total the number of voters on the list, and certify and attest the list upon closing the poll. [A.C.A. § 7-5-211(a)(2)(B)]

STATE BOARD’S LIST OF VOTERS FORM

The State Board of Election Commissioners developed a form for poll workers to use to record the name of every person who voted a non-provisional ballot at the poll.

The State Board’s List of Voters form is provided in the Forms section in the back of this manual.

Voting Machines

Securing at Poll:

At the official time for closing the polls and upon termination of voting, the poll workers shall announce the polls closing and secure the voting machines against further voting by removing the activation packs or devices. [A.C.A. § 7-5-526(a)]

The poll workers must sign a certificate provided by the county board of election commissioners attesting to the exact time that the machines were made inaccessible to further voting and to the number of votes shown on the public counters. [A.C.A. § 7-5-526(b)]

STATE BOARD’S POLL WORKERS’ CERTIFICATE

The State Board of Election Commissioners developed a certificate for the county board of election commissioners to provide to its poll workers to certify as required by law that voting machines were made inaccessible to further voting after the polls closed.

The State Board’s Poll Workers’ Certificate is provided in the Forms section in the back of this manual.
CLOSING THE POLLS

Exposing Vote Count:
The poll workers then expose the vote counts, produce and sign at least three (3) return records from each voting machine, and post one (1) copy of each on the wall of the polling room. [A.C.A. § 7-5-527]

Delivery of Activation Devices:
The activation pack or device used to collect votes from each voting machine and certified return records must be placed in a sealed package signed by all poll workers at the poll. [A.C.A. § 7-5-527(e)(1)]

A poll worker must immediately deliver the sealed package to the county board and obtain a receipt for the sealed package. [A.C.A. § 7-5-527(e)]

Electronic Vote Tabulating Devices

Return of Votes:
When an electronic vote tabulating device is used by the voters at the poll, the poll workers must count write-in votes and prepare a return of the votes as soon as the polls close. [A.C.A. § 7-5-613]

Paper Ballots

Counted by Hand at Poll:
When counting paper ballots by hand at the poll, poll workers must count to completion by opening the ballot box and counting each ballot in turn or by counting by offices and issues. [A.C.A. § 7-5-603]

The poll workers must witness the counting of the ballots and keep separate tally lists of the votes for each candidate or issue on the ballot. [A.C.A. § 7-5-603(1)]

After the count is completed, the poll workers must make out certificates of election in triplicate and immediately post one (1) copy outside the polling site. [A.C.A. § 7-5-603(4)]

Scanned at Central Counting Location:
When paper ballots are to be tabulated using electronic vote tabulating devices at a central counting location, the poll workers must place all ballots that were cast at the poll in a sealed container and deliver it, along with unused, void, and defective ballots and all other election materials, to the county board of election commissioners. [A.C.A. § 7-5-614]
**Departing the Poll**

**Processing and Delivering Election Materials and Returns:**
Regardless of the type of election or voting system used, poll workers must process and deliver all ballots, election materials, and returns to the county board of election commissioners immediately after the polls close. *[A.C.A. § 7-5-317]*

The List of Voters forms, precinct voter registration lists, voter registration application forms, and other recordkeeping supplies are delivered to the county clerk along with one (1) copy of the certification of election results and one (1) copy of the tally sheets, if any. *[A.C.A. § 7-5-317(a)]*

Sealed stub boxes are delivered to the county treasurer for storage in a secure location in the county courthouse or other county storage facility. *[A.C.A. § 7-5-317(a)(5)]*

Voted ballots that have been secured in a container with a numbered seal, unused, provisional or cancelled ballots that have been preserved separately, one (1) copy of the certificate of election results, one (1) copy of the tally sheets, if any, reports of challenges of voters, if any, and all other election materials and returns are delivered to the county board. *[A.C.A. § 7-5-317]*

**Failure to Deliver Returns:**
If poll workers fail to deliver returns as required by law immediately after the polls close, the county board must dispatch a peace officer to obtain the election returns. *[A.C.A. 7-5-318(b)]*

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**STATE BOARD’S POLL WORKERS’ TRAINING GUIDE**

The State Board of Election Commissioners’ Poll Workers’ Training Guide covers in detail the duties and responsibilities of poll workers in closing and departing the poll, including legally required paperwork and security procedures.
CANVASSING, COUNTING & UNOFFICIAL RESULTS

Open to Public

The counting of votes is open to the public.
[A.C.A. §§ 7-5-312(c); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

Candidates in person or an authorized representative of a candidate or political party may be present at all counting locations to witness the counting of ballots to determine whether ballots are fairly and accurately counted.
[A.C.A. §§ 7-5-312(c); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

Central Counting Location

Proceedings:
All proceedings at a central counting location are under the direction of the county board of election commissioners. [A.C.A. § 7-5-614(2)]

No person except those employed and authorized for that purpose may touch any ballot or return. [A.C.A. § 7-5-615(b)]

Oath of Election Officials:
Election officials at the central counting location and all persons operating an electronic vote tabulating device must take the election officials’ oath of office before beginning their duties. [A.C.A. § 7-5-615(c)]

Defective Ballots:
If a paper ballot cannot properly be counted by an electronic vote tabulating device due to damage or defect, the election officials must make a true duplicate ballot clearly labeled “duplicate” to be counted in the place of the defective ballot. [A.C.A. § 7-5-615(d)]

Countywide Total Comparison:
Before certifying the official election results, the county board must compile electronic countywide totals from the activation pack or device used to collect votes from each voting machine and verify that they match manually compiled countywide totals from the polling locations’ certified return records. [A.C.A. § 7-5-529]

Audit Log:
The county board shall produce an audit log for each voting machine used in the election. [A.C.A. § 7-5-530(a)]
Processing Absentee Ballots

Processing, counting, and canvassing of absentee ballots is conducted under the supervision and direction of the county board of election commissioners on election day in a place in the courthouse designated by the county board. [A.C.A. §§ 7-5-414(c); 7-5-416(a)(1)]

The county clerk must deliver absentee ballots and related materials to the absentee ballot clerks on election day. The county clerk must also make a report accounting for absentee ballots sent, received and rejected and deliver that report to the county board of election commissioners. [A.C.A. § 7-5-416(a)(3)]

The processing and counting of absentee and early votes is open to the public, and any candidate or qualified poll watcher may be present during the opening, processing, canvassing, and counting to challenge ballots and to observe the canvass of the results of the election for the purpose of determining whether or not votes are fairly and accurately counted. [A.C.A. §§ 7-5-312; 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-417(a); 7-5-527(a); 7-5-615(a)]

Absentee and early voting ballots must be opened, processed and counted before the polls close on election day. Results may not be released until the polls close, however. Absentee and early voting results should be uploaded to the Secretary of State’s election night reporting system no later than thirty minutes after the polls close on election day. [A.C.A. §§ 7-5-416(a)(5) (d); 7-1-103(a)(22)]

Absentee ballots mailed in bulk by a hospital or an administrator of a long-term care or residential care facility licensed by the state must be counted if accompanied by proper paperwork and timely delivered. Absentee ballots mailed in bulk by anyone other than a hospital or an administrator of a long-term care or residential care facility licensed by the state cannot be counted. [A.C.A. § 7-5-411(a)(1)(C)]

The ballot of an absentee voter who dies before the polls open on election day can be counted if the ballot is signed, dated, postmarked and mailed before the date of death, or, in the case of a military voter, executed before the date of death. [A.C.A. § 7-5-416(c)]

Absentee voters must include in the return envelope a copy of a current and valid photo identification; 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; or a copy of a document from the administrator of a long term care facility that attests that the voter is a resident of the facility. Active duty members of the military and in service members of the merchant marine and their spouses and dependents who are absent from the county on election day because of the member’s active duty or service are exempt from the absentee ID requirement.
**Steps in Opening and Processing Absentee Ballots:**
The initial steps in opening and processing absentee ballots include:

1. One by one an election official (Clerk 1), while observed by another election official, opens the return (outer) envelope and verifies that the voter statement, identification (if required) and the ballot (inner) envelope have been properly placed in the return envelope.

2. If the voter statement and ID (if ID is required), are in the return envelope separate from the inner “Ballot Only” envelope:
   - Clerk 1 reads aloud the voter’s name and precinct from the voter statement.
   - Clerk 2 makes a duplicate list of the name and precinct of the voter.
   - The election officials compare the name, address, dates of birth and signature on the absentee ballot application against the same information on the voter statement.
   - The election officials compare the information on the ID against the information on the voter statement.
   - The election officials compare the name and address of the bearer, agent or administrator written on the absentee ballot return envelope with the information on the voter statement.
   - If everything is in order, place the unopened inner “Ballot Only” envelope into the absentee ballot box.
   - Repeat the process for each absentee voter whose materials are in order.

[A.C.A. §7-5-416(b)]

**Processing ballots with discrepancies – voter statement in inner envelope:**
If the voter statement and/or ID (if ID is required) are NOT in the return envelope separate from the inner “Ballot Only” envelope:

1. Clerk 1 removes the inner “Ballot Only” envelope from the outer “Return” envelope and hands it to Clerk 2.

2. Clerk 2 inspects the inner “Ballot Only” envelope while being observed by Clerk 1 and removes the voter statement and/or identification documents, if found there, from the inner “Ballot Only” envelope and hands them to Clerk 1.

3. Clerk 2 returns the inner “Ballot Only” envelope and any found voter statement/ID documents to Clerk 1 and Clerk 1 places the inner “Ballot Only” envelope back into the outer “Return” envelope.

4. Clerk 1 reads aloud from the voter statement, and regular processing procedures (see above) are followed.

[A.C.A. §§ 7-5-416(b)(1)(C); A.C.A. 7-5-416(b)(1)(D)]
Processing ballots with discrepancies – no voter statement; information on voter statement does not compare to application; no ID:

1. If a voter statement is not found, the ballot cannot be counted.
2. If the election commission finds that the name, date of birth, address or signature on the voter statement do not compare to the corresponding information on the absentee ballot application, the ballot cannot be counted. This determination should not be made by an absentee ballot clerk, but by the election commission.
3. If the return envelope does not contain the required identification document (and the voter is not exempt from the ID requirement), the ballot cannot be counted.


Processing ballots with discrepancies – bearers, agents, administrators:

1. If the county clerk indicates on the envelope that the ballot was returned by a bearer, agent or administrator, absentee ballot election officials must check the voter statement for the bearer/agent/administrator name, address and signature.
2. If the voter has not authorized a bearer/agent/administrator on the voter statement, the election officials DO NOT count the ballot; they should repackage the material, note the reason the ballot was not counted and set it aside.
3. If the return envelope indicates that the ballot was returned by a bearer/agent/administrator but the voter statement does not authorize a bearer/agent/administrator, the ballot should be rejected.


Provisional absentee ballots:
Provisional absentee ballots include absentee ballots challenged by a poll watcher, absentee ballots cast by first-time voters who registered by mail and who did not provide identification when registering or voting absentee; and absentee ballots delivered by a bearer/agent/administrator for which the name and address of the bearer/agent/administrator written by the county clerk on the return envelope does not match the information contained in the voter statement. [A.C.A. §§ 7-5-417; 7-5-416(b)(1)(f)(iii); 7-5-416(b)(1)(G)]

Absentee ballots become provisional during opening and processing. When an absentee ballot becomes provisional, the election clerk should place the absentee voter package (the return envelope and everything inside it) into a provisional voter envelope, record on the provisional voter envelope the reason for the challenge or that the voter did not provide identification, and set the provisional ballots aside for consideration by the election commission.

[State Board of Election Commissioners’ Rules on poll Watchers, Vote Challenges and Provisional Voting § 905]

Poll Watcher challenges must be made at the time the voter’s name and voting precinct are read aloud by the election official. [A.C.A. § 7-5-417]
Counting Votes

Ballots Provided by County Board:
A paper ballot cannot be counted in any election unless it is provided by the county board of election commissioners. [A.C.A. § 7-5-602(b)]

Fraudulent Ballots:
When counting paper ballots at the polling site, if two (2) or more paper ballots are folded together, they should be considered fraudulent and cannot be counted. [A.C.A. § 7-5-603(2)(A)]

Candidate Withdrawal or Death After Certification:
Votes for any candidate on the ballot who withdrew or died after the certification of the ballot are to be counted.

Unopposed Candidates:
Except for unopposed candidates for mayor and circuit clerk, votes for unopposed candidates in any election are not to be counted or tabulated. [A.C.A. § 7-5-315(a)]

The votes for unopposed candidates for mayor and circuit clerk are tabulated as in all contested races.

For additional information, refer to Unopposed Candidates in the BALLOTS section of this manual on page 42. [A.C.A. §§ 7-5-207(a)(2)(B), (a)(3)(B); 7-5-315(a); 14-42-206(c)(2)]

Overvoted Ballots:
If a paper ballot contains marks for more than the maximum allowable number of candidates in any one (1) contest or contains marks both “FOR” and “AGAINST” a single measure, the contest should be considered overvoted, and the voter’s intent must be determined. [A.C.A. § 7-5-603(2)(B)]

STATE BOARD RULES FOR VOTER INTENT

The State Board of Election Commissioners has promulgated rules under the Administrative Procedures Act for determining whether a paper ballot has been properly marked and whether a vote should be counted for any contest in question.

The State Board of Election Commissioners’ Rules for Voter Intent are provided in the Forms section in the back of this manual.
Write-in Votes:
Write-in votes are not counted in primary elections. [A.C.A. § 7-5-525(c)]

Write-in votes cast for municipal officials are not counted. [A.C.A. § 14-43-202]

Votes for write-in candidates in general elections are not counted unless the write-in candidate provides written notice to the county board of each county in which the candidate seeks election and properly files with either the Secretary of State or the county clerk, as the case may be, according to Ark. Code Ann. § 7-5-205 or Ark. Code Ann. § 7-10-103.

A write-in vote must be cast in the appropriate place on the ballot and be the same name listed on the write-in candidate’s political practices pledge or the vote for that candidate must not be counted. However, abbreviations, misspellings, and minor variations in the form of the write-in candidate’s name shall be disregarded if the intention of the voter can be determined. [A.C.A. §§ 7-5-205(4); 7-5-525(b)(2)]

Amendments and Measures:
The votes on each measure on the ballot shall be counted, tabulated, and returned at the same time and manner as the votes for candidates. [A.C.A. § 7-9-119(a)]

If a petition for any amendment or measure is declared insufficient by the Secretary of State or a court of competent jurisdiction, or determined to be invalid for any other reason after having been certified by the Secretary of State to the county board and placed on the ballot, the votes on the amendment or measure are not counted or certified. [A.C.A. § 7-5-204(c)(2)]

Early Votes:
Election officials canvass the voting machine vote for early voting in the same manner provided for regular polling sites and return the results of the canvass to the county board to be tabulated and canvassed with and in the same manner as the other election precinct returns. [A.C.A. § 7-5-413(c)]

Special Runoff Absentee Ballots:
“Special runoff ballots” cast for the primary runoff election that are returned with the absentee voter’s primary ballot are only counted in the primary runoff election. [A.C.A. § 7-5-416(f)(4)]

“Special runoff ballots” cast for the general runoff election that are returned with the absentee voter’s general election ballot are only counted in the general runoff election. [A.C.A. § 7-5-416(f)(4)]

The Secretary of State provides the county board with instructions for opening, counting, and canvassing absentee “special runoff ballots.” [A.C.A. § 7-5-416(f)(5)]

Provisional Ballots:
The county board of election commissioners should count a provisional ballot only if it determines that the voter named on the eligibility affirmation statement is a registered voter and the vote has been properly cast.
For provisional ballots cast for failure to present ID at the polls, the county board may count the ballot only if the voter presents ID or an affidavit of religious objection or indigence to the county clerk or the county board by noon on the Monday following the election.

When the information on the provisional ballot envelope indicates that the voter cast a provisional ballot for both failure to present ID and another reason, the county board must first determine whether the voter is eligible to vote and whether the voter cast the proper ballot for his/her precinct. If the county board determines that the voter is eligible to vote and the ballot the voter cast is from the correct precinct, then the county board counts the ballot if the voter presents ID or an affidavit of religious objection or indigence to the county clerk or the county board by noon on the Monday following the election unless the voter cast the provisional ballot for failure to present ID at the polls.

[A.C.A. § 7-5-321(c); State Board of Election Commissioners’ Rules on poll Watchers, Vote Challenges and Provisional Voting § 907]

**Preliminary and Unofficial Results**

**Reporting:**
As results are received and tabulated on election night for all state and federal elections, the county board of election commissioners shall declare preliminary and unofficial results of the election as soon as early voting, absentee, or individual precinct results are tabulated on election night and immediately shall transmit the results by precinct to the Secretary of State through the election night reporting interface. Precinct results must be reported to the Secretary of State as soon as possible and cannot be held for later aggregation. [A.C.A. § 7-5-701(a)(2)(A)]

The county board of election commissioners must report the results of both absentee and early voting by precinct to the Secretary of State no later than 30 minutes after the polls close. [A.C.A. §§ 7-5-416(a)(5), (d)]

The county board of election commissioners may, by agreement with the county clerk, transmit the results to the county clerk who immediately shall transmit the results by precinct to the Secretary of State. [A.C.A. §§ 7-5-701(a)(2)(B); 7-5-707(a); 7-9-119]

The report shall include the number of outstanding ballots of voters who requested ballots under the Uniformed and Overseas Citizens Absentee Voting Act and the number of provisional ballots. [A.C.A. § 7-5-701(a)(2)(C)(i)(a)(b)]
RECOUNTS

Initiating a Recount

Request by Candidate:
Any candidate who is dissatisfied with the returns of the election may submit to the county board
of election commissioners a petition requesting a recount of the returns from any precinct.
[A.C.A. § 7-5-319(a)(1)]

Deadline for Request by Candidate:
If the number of outstanding overseas absentee ballots cannot change the results of the election,
the candidate must present the petition no later than two (2) days after the county board declares
preliminary and unofficial results of the election. [A.C.A. § 7-5-319(a)(2)]

If the number of outstanding overseas absentee ballots could potentially change the results of the
election, the candidate must present the recount petition to the county board before the final
canvassing and certification of the results of the election. [A.C.A. § 7-5-319(a)(3)]

Election Commission Decision:
The election commission may decide to conduct a recount on its own motion, without a request
from a candidate. For example, when an advocate for or against a measure requests a recount,
the board may, at its discretion conduct the recount. In this instance, the county would bear the
cost of the recount because the law requires only candidates for office to pay the cost of recounts.
[A.C.A. § 7-5-319(b)]

Procedure

Equipment Test Results:
Upon receipt of the recount petition, the county board of election commissioners shall provide
the candidate with a copy of the test results from the voting machines and electronic vote
tabulating devices. [A.C.A. § 7-5-319(b)]

Candidate Notification:
The county board must notify all candidates whose election could be affected by the recount
within forty-eight (48) hours of receipt of the petition for recount. [A.C.A. § 7-5-319(i)]

Official Voting Machine Ballot:
If votes were cast on a voting machine with a voter-verified paper audit trail (VVPAT), the
VVPAT shall serve as the official ballot to be recounted. [A.C.A. § 7-5-319(c)(1)]

If the VVPAT cannot be used for the recount due to damage, the paper record produced by the
machine for manual audit shall be the official ballot to be recounted. [A.C.A. § 7-5-319(c)(3)]
RECOUNTS

The county board may manually sum vote totals on the VVPAT for each candidate involved in the recount or count by hand each vote for each candidate involved in the recount using the VVPAT. \[A.C.A. \textsection 7-5-319(c)(2)\]

If the voting machine is exempt from the VVPAT requirement, the paper record produced by the machine for manual audit shall be the official ballot to be recounted. \[A.C.A. \textsection 7-5-319(c)(4)\]

**Paper Ballots:**
Votes cast on paper ballots must be recounted in the same manner as the initial count. \[A.C.A. \textsection 7-5-319(d)\]

If the county board determines that an electronic vote tabulating device may be malfunctioning, the ballots may be recounted in any manner prescribed by law. \[A.C.A. \textsection 7-5-319(d)\]

**Limitation**

**Candidate Petitioned:**
Only one (1) recount per candidate per election is permitted. \[A.C.A. \textsection 7-5-319(b)\]

**Certification of Results**

The county board of election commissioners shall certify the results of the last recount. \[A.C.A. \textsection 7-5-319(b), (e)\]

**Ballot Preservation**

After the recount is certified, ballots must again be sealed and kept as provided by law. \[A.C.A. \textsection 7-5-319(f)\]

**Cost**

**Determination:**
The county board of election commissioners shall determine the actual costs incurred to conduct a recount and charge the candidate petitioning the recount up to a maximum rate of twenty-five cents (25¢) per vote cast in the precincts where the recount is requested or a total of two thousand five hundred dollars ($2,500) for the entire county, whichever is less. \[A.C.A. \textsection 7-5-319(h)\]

**Payment:**
The county board must collect payment for the recount from the candidate petitioning the recount before conducting the recount. There is no provision in election code for payment of the cost of any recount conducted on the election commission’s own motion. \[A.C.A. \textsection 7-5-319(g)(1)\]

**Refund of Payment:**
If the recount changes the outcome of the election, the cost shall be refunded to the candidate. \[A.C.A. \textsection 7-5-319(g)(2)\]
ELECTION TO OFFICE

General Election

United States Congress:
A candidate for United States Senate or United States House of Representative who receives the greatest number of legal votes cast for the office at the general election held in November shall be declared elected. [A.C.A. § 7-5-703]

If any two (2) candidates receiving the highest number of votes also receive an equal number of votes, a tie shall exist, and a special runoff election must be held three (3) weeks from the day of the general election with the names of those two (2) candidates placed on a special runoff election ballot to be voted upon by the qualified electors of the congressional district. [A.C.A. § 7-5-703(c)]

Constitutional Office:
A candidate for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, or Commissioner of State Lands who receives the greatest number of legal votes cast for the office at the general election held in November shall be declared elected. [A.C.A. §§ 7-5-704; 7-5-705]

If any two (2) candidates for Commissioner of State Lands receive the highest number of votes and an equal number of votes, a tie shall exist, and a special runoff election must be held three (3) weeks from the day of the general election with the names of those two (2) candidates placed on a special runoff election ballot to be voted upon by the qualified electors of the state. [A.C.A. § 7-5-704]

For all other constitutional officers, if two (2) or more candidates receive an equal number of votes and the highest number of votes for the same office, a tie shall exist, and one (1) of them shall be chosen by a joint vote of both houses of the General Assembly by a majority vote. [A.C.A. § 7-5-705(b); Arkansas Constitution, Article 6, § 3; Amendment 6, § 3]

Legislative Office:
A candidate for State Senate or State House of Representatives who receives the greatest number of legal votes cast for the office at the general election held in November shall be declared elected. [A.C.A. § 7-5-704]

If any two (2) candidates receive the highest number of votes and an equal number of votes, a tie shall exist, and a special runoff election must be held three (3) weeks from the day of the general election with the names of those two (2) candidates placed on a special runoff election ballot to be voted upon by the qualified electors of the districts. [A.C.A. § 7-5-704]

County Office:
The candidate who receives a majority of the votes cast for the office at the general election held in November shall be declared elected.
ELECTION TO OFFICE

If there are more than two (2) candidates for election at the general election and no candidate receives a majority of the votes cast for the office, a general runoff election must be held three (3) weeks after the general election. The names of the two (2) candidates receiving the highest number of votes shall be placed on a general runoff election ballot to be voted upon by the qualified electors of the county. [A.C.A. § 7-5-106(a)]

If one (1) of the two (2) candidates who received the highest number of votes for an office, but not a majority in the general election, withdraws before certification of the results of the general election, the remaining candidate who received the most votes at the general election shall be declared elected to the office and there shall be no general runoff election. [A.C.A. § 7-5-106(d)]

If two (2) candidates receive the highest number of votes and also receive the same number of votes, a tie shall exist. The names of the two (2) candidates shall be placed on the general runoff election ballot to be voted upon by the qualified electors of the county. [A.C.A. § 7-5-106(b)]

If one (1) candidate receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes, a tie shall exist between the two (2) candidates. The county board of election commissioners must hold a public meeting and in the presence of the two (2) candidates determine the runoff candidate by lot. [A.C.A. § 7-5-106(c)]

The candidate receiving the majority of votes cast for the office at the general runoff election shall be declared elected. [A.C.A. § 7-5-106(e)(1)]

If in the runoff election, the two (2) candidates seeking election receive the same number of votes, a tie shall exist. The county board must hold a public meeting and in the presence of the two (2) candidates determine the winner of the runoff general election by lot. [A.C.A. § 7-5-106(e)(2)]

Municipal Office:
Municipal office includes offices of cities of the first class, cities of the second class, and incorporated towns.

Except in City Manager Form of governments, the candidate who receives a majority of the votes cast for the office at the general election held in November shall be declared elected. In City Manager Form of governments, the candidate who receives a plurality of the votes cast for the office at the general election held in November shall be declared elected.

Mayor Council Form of Governments:
A candidate who receives at least forty percent (40%) of the votes cast for the office shall be declared elected to the office if that candidate also receives at least twenty percent (20%) more votes than the second-place candidate.

A general runoff election must be held three (3) weeks after the general election if there are more than two candidates and no candidate receives either a majority of votes cast or both forty percent (40%) or more of the votes cast for the office at the general election and at least twenty percent (20%) more votes than the second-place candidate. In that event, the names of the two
(2) candidates receiving the highest number of votes shall be placed on a general runoff election ballot to be voted upon by the qualified electors of the municipality. [A.C.A. § 7-5-106(a), (d); NOTE: A.C.A. §§ 14-42-206(c)(1)(A) and 14-43-304(c)(1) are repealed by implication]

If either of the two (2) candidates, who received the highest number of votes cast for an office in the general election but who did not receive either a majority of the votes cast or both forty percent (40%) or more of the votes cast and at least twenty percent (20%) more than the second-place candidate, withdraws before certification of the results of the election, the remaining candidate who received the most votes at the general election shall be declared elected to the office and there shall be no general runoff election. [A.C.A. § 7-5-106(d)]

If two (2) candidates receive the highest number of votes and also receive the same number of votes, a tie shall exist. The names of the two (2) candidates shall be placed on the general runoff election ballot to be voted upon by the qualified electors of the municipality. [A.C.A. § 7-5-106(b)]

If one (1) candidate receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes, a tie shall exist between the two (2) candidates. The county board of election commissioners must hold a public meeting and in the presence of the two (2) candidates determine the runoff candidate by lot. [A.C.A. § 7-5-106(c)]

The candidate receiving the majority of votes cast for the office at the general runoff election shall be declared elected. [A.C.A. § 7-5-106(e)(1)]

If in the runoff election, the two (2) candidates seeking election receive the same number of votes, a tie shall exist. The county board must hold a public meeting and in the presence of the two (2) candidates determine the winner of the runoff general election by lot. [A.C.A. § 7-5-106(e)(2)]

**Nonpartisan Judges and Prosecutors:**
A candidate for the office of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney shall not be elected to a nonpartisan office without receiving a majority of the votes cast for the office at the nonpartisan general election held in May. [A.C.A. § 7-10-102(c)(1)]

If no person receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes are certified to a runoff election to be held on the same date at the same times and places as the November general election. [A.C.A. § 7-10-102(c)(2), (3)]
FINAL CERTIFICATION

Provisional Ballots

Before final certification of the election, the county board of election commissioners must review and determine the validity of every provisional ballot. [A.C.A. § 7-5-308(d)(1)]

Unless directed by a court of competent jurisdiction, a provisional ballot is counted if it is cast by a registered voter and is the correct ballot (according to the precinct listed on the voter’s eligibility affirmation) for the precinct of the voter’s residence. For a provisional ballot cast for failure to show ID, the voter must personally present an acceptable form of ID to the county clerk or to county board of election commissioners at a board meeting by noon of the Monday following the election in order for the ballot to be counted. [A.C.A. §§ 7-1-101; 7-5-308(d); 7-5-321 (Act 595 of 2013); 7-5-417(c); 7-5-418(d)]

Each provisional voter must be notified by first class mail whether his or her vote was counted, and if not, the reason for rejecting the provisional voters’ ballot and of the date, time, and place for a hearing before a final determination is made. [A.C.A. § 7-5-308(c)(2)]

The county board must include all provisional ballots found to be valid in the final count and certification. [A.C.A. §§ 7-1-101; 7-5-417(c); 7-5-418(d)]

STATE BOARD RULES REGARDING PROVISIONAL VOTING

The State Board of Election Commissioners’ Rules on Poll Watchers, Vote Challenges, and Provisional Voting provided in the Forms section in the back of this manual provides details on reviewing provisional ballots, notice to provisional voters, hearings, and counting provisional ballots.

Overseas Absentee Ballots

All overseas absentee ballots that were properly executed by the day of the election and received by the county clerk by 5:00 p.m. ten (10) days after the election must be counted and included in the final certification of the election regardless of whether the outcome of the election would change. [A.C.A. § 7-5-411(a)(1)(B)]

Results

No earlier than forty-eight (48) hours after an election and no later than the tenth day after the primary and nonpartisan general elections held in May and the primary runoff election held in June or no later than the fifteenth day after the general and nonpartisan general runoff elections held in November, the county board of election commissioners shall determine,
declare, and certify the result of state and federal elections to the county clerk. 
[A.C.A. §§ 7-5-701(a)(1); 7-5-707(a); 7-7-203(e)(1); 7-7-309]

The county board or the county clerk, by agreement with the county board, must transmit the certified results for each precinct to the Secretary of State via the internet website provided by the Secretary of State, if possible, or by facsimile transmission, if not.  
[A.C.A. §§ 7-5-701(a)(2); 7-9-119]

Additional Information:
The Secretary of State may require the election commissions to submit additional information as determined by the Secretary of State. [A.C.A. § 7-5-707(b)]

Abstract of Returns

Members of Congress, Executive, Legislative, and Judicial Officers, and Prosecuting Attorneys:
No earlier than forty-eight hours (48) hours and no later than the fifteenth day after the election, the county board of election commissioners must mail to the Secretary of State certified copies of the abstracts of the returns of the election. [A.C.A. § 7-5-701(c)(1)]

Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General:
No earlier than forty-eight (48) hours and no later than the fifteenth day after the election, the county board must mail to the Secretary of State a separate envelope addressed to the Speaker of the House of Representatives containing a certified copy of the abstract of votes for the constitutional officers of the state listed above. [A.C.A. § 7-5-701(d)(1)]

Measures:
The county board must certify and deliver an abstract of all votes cast on any measure to the Secretary of State no earlier than forty-eight (48) hours and no later than fifteen (15) calendar days after the election. [A.C.A. § 7-9-119(b)]

Failure to Deliver:
If the county board does not comply with certification deadlines, the Secretary of State shall file a complaint with the State Board of Election Commissioners according to Ark. Code Ann. § 7-4-118. [A.C.A. § 7-5-701(c)(3)]

Certificate of Election

Delivery:
The county board of election commissioners must deliver a certificate of election to the person having the highest numbers of legal votes for any county office within nineteen (19) days after any general, special, or school election. [A.C.A. § 7-5-701(a)(3)]

Filing:
The county board files a certificate detailing the result of the election in the office of the county clerk. [A.C.A. § 7-5-701(b)]
ELECTION CONTESTS

Candidate Contests

Circuit Court:
Within twenty (20) days of the certification that is the subject of the complaint, any candidate can contest the certification of nomination or the certification of vote in any election in the circuit court of the county in which the certification of nomination or certification of vote is made or where otherwise provided by law, and the election contest shall be tried by the circuit judge in open court without a jury. \[A.C.A. §§ 7-5-801; 7-5-804(a)\]

State Senator:
Any contest to the eligibility, qualification, or election to serve as a member of the Senate of the General Assembly shall be according to the rules and procedures for election contests established by the Senate under its governing rules. \[A.C.A. § 7-5-805(a)\]

State Representative:
Any contest to the eligibility, qualification, or election to serve as a member of the House of Representatives of the General Assembly is initiated by filing a complaint with the Arkansas State Claims Commission within fifteen (15) days after the election returns are certified by the county board of election commissioners in the case of election contests, and at any time after the election in the case of eligibility contests. \[A.C.A. § 7-5-805(b)\]

Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General:
All contested general elections are decided by the joint vote of both houses of the General Assembly with the President of the Senate presiding. \[A.C.A. § 7-5-806(a)\]

Citizen Contests

If ten (10) reputable citizens of any county allege that illegal or fraudulent votes were cast, that fraudulent returns or certifications were made, or that the Political Practices Act was violated and file a complaint with the circuit judge within twenty (20) days after any election, the circuit judge convenes a special or regular term for hearing the case. \[A.C.A. § 7-5-807\]

Any twenty-five (25) qualified electors of the state may contest the returns and certification of the votes cast upon any measure by filing a contest in the Circuit Court of Pulaski County within sixty (60) days after the certification of the vote. \[A.C.A. § 7-9-121\]
PRESERVATION OF ELECTION EQUIPMENT & MATERIALS

Voting Machines

Release:
Voting machines must be released to a person designated by the county board of election commissioners for storage in a secure facility designated by the county board. [A.C.A. § 7-5-528]

Secured:
All voting machines used in any election must remain secured for at least three (3) days after the election, unless ordered activated sooner by court order. [A.C.A. § 7-5-531(b)(1)]

In the event of a recount or an election contest, the county board must secure and store audit logs and voter-verified paper audit trails (VVPATs) in a secure place in the county courthouse under lock and key awaiting further orders of the county board or court. [A.C.A. § 7-5-530(b), (c)]

All audit logs and VVPATs produced by voting machines must be secured for a period of two (2) years and preserved in the same manner and for the same time period as ballots and certificates are preserved under Ark. Code Ann. § 7-5-702. [A.C.A. §§ 7-5-531(a); 7-5-532(e)]

Clearing:
After final certification of the election, the county board must clear the voting machines for future elections. [A.C.A. § 7-5-531(b)(2)]

Voter Lists and Registration Documents

Return/Retention:
All voter lists, precinct voter registration lists, affidavits, and other voter registration documents are returned to the county clerk and retained according to Ark. Code Ann. § 13-4-306. [A.C.A. § 7-5-317(a)(2)]

Ballots and Certificates

Custody:
After final certification of the election, the county board of election commissioners, retains custody of and safely keeps in a sealed, appropriately marked container in a secure location in the county courthouse or other county storage facility all ballots and certificates returned to it from the several precincts for a period of twenty (20) days. [A.C.A. § 7-5-702(a)]
During the time that ballots are retained or stored, no one may open the package containing them unless directed to do so by a competent tribunal before which an election contest or prosecution is pending in which the ballots are to be used as evidence. \[A.C.A. \ § 7-5-702(c)\]

**Election Contest:**
If the county board is notified in writing within the twenty (20) day period of an election contest or initiation of criminal prosecution for fraud in the election, the county board must preserve the ballots and certificates as may relate to the contest or prosecution for use as evidence. \[A.C.A. \ § 7-5-702(b)\]

**Retention:**
After the twenty (20) day period following final certification, ballots (marked and unmarked) and certificates must be stored in a secure location in the county courthouse or other county storage facility for a period of two (2) years from the date of the election. \[A.C.A. \ § 7-5-702(a)\]

**Ballot Stubs**

**Retention:**
The county treasurer must retain custody of and safely keep in a sealed, appropriately marked container all ballot stubs delivered to him or her for a period of twenty (20) days, after which time they shall be stored in a secure location in the county courthouse or other county storage facility for a period of two (2) years unless an election contest has been filed or a criminal prosecution initiated in connection with the election. \[A.C.A. \ § 7-5-702(d)\]
Destruction of Election Materials

Marked Ballots/Ballot Stubs:
After a period of two (2) years, the county board of election commissioners may destroy all marked ballots and ballot stubs upon entering an order directing the destruction, upon making and retaining a record of ballots destroyed, and upon filing the order and record with the county clerk. [A.C.A. § 7-5-702(e)]

Election Materials Generally:
It is 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

“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.” The penalty for violation is at least a one-year jail term and a fine of up to $10,000. [A.C.A. §7-1-112 (Act 1261 of 2013)]

Measures

Document Retention:
All petitions with signatures, notices, certificates, or other documents surrounding a measure on the ballot must be filed and preserved with the county clerk for two (2) years. [A.C.A. § 7-9-123]
ENFORCING ELECTION LAWS

Complaints

Voting Machine Malfunction:
The county board of election commissioners must provide forms at each polling place using a voting machine for voters to use for complaints about the function of a voting machine. The poll workers must forward all filed complaints to the county board for investigation. \[A.C.A. \S 7-5-510\]

<table>
<thead>
<tr>
<th>STATE BOARD’S VOTER COMPLAINT FORM FOR VOTING MACHINE MALFUNCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>The State Board of Election Commissioners developed a Voter Complaint form for voters to use to file a complaint about the function of a voting machine. The State Board’s Voter Complaint Form is provided in the Forms section in the back of this manual.</td>
</tr>
</tbody>
</table>

Written Complaints:
All written complaints concerning any election law violation or irregularity received by the county board must be forwarded to the appropriate county clerk and prosecuting attorney for evaluation. \[A.C.A. \S 7-1-109\]

<table>
<thead>
<tr>
<th>STATE BOARD’S PROCEDURES FOR ALL OTHER COMPLAINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The State Board has developed rules, procedures, and forms for filing complaints related to HAVA and Non-HAVA violations of election and voter registration laws. All of this information is available on the State Board’s website at <a href="http://www.arkansas.gov/sbec">http://www.arkansas.gov/sbec</a>.</td>
</tr>
</tbody>
</table>

Voter Identification

Failure to Provide:
After each election, the county board of election commissioners may review the precinct voter registration lists for voters not providing identification at the polls and forward the information to the prosecuting attorney for investigation of possible voter fraud. \[A.C.A. \S 7-5-305(a)(8)(B)(iii), (iv)\]

Provisional Ballots

Referral to Prosecuting Attorney:
When examining provisional ballots before certification of the results of the election, if the county board of election commissioners suspects that a violation of election laws has occurred, the county board may refer the matter to the prosecuting attorney. \[A.C.A. \S 7-5-308(o)\]
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ELECTION EXPENSES

Voting Equipment

Purchases:
The County Voting System Grant Fund is available to the counties pursuant to A.C.A. § 19-5-1243 to purchase voting machines, electronic vote tabulating devices, and for other voting system equipment and maintenance. The Secretary of State shall establish guidelines and procedures for a grant program to distribute the funds to the counties. [A.C.A. § 7-5-301(d)]

Technical Support:
Each county shall provide or contract for adequate technical support for the installation, set up and operation of the voting system for each election. [A.C.A. § 7-5-301(g)]

Voter Continuing Education:
The Secretary of State is responsible for developing, implementing and providing a continuing program to educate voters and poll workers in the proper use of the voting system. [A.C.A. § 7-5-301(h)]

State-Funded Elections

Funding:
The State Board of Election Commissioners funds political party primary elections from funds appropriated to the State Board for election expenses of the State Board and the county boards of election commissioners for preferential primary and nonpartisan elections conducted in May, primary runoff elections conducted in June, special primary elections, and statewide special elections. [A.C.A. § 7-7-201(a)]

Procedure:
Before each state-funded election, the State Board will furnish each individual designated by the county board with comprehensive guidelines, instructions, and worksheets for requesting payment from the State Board for eligible state-funded election expenses. This information is also available on the State Board’s website at http://www.arkansas.gov/sbec. This system of funding by the State Board has resulted in uniform and consistent distribution of funds from the State to the counties and provided information used by the State Board to maintain databases of comparative election costs, allowing the State to maintain a high level of fiscal accountability. [A.C.A. § 7-7-201(b)(2)]

Withholding:
The State Board may withhold funding for otherwise eligible state-funded election expenses from any county that fails to comply with the rules developed by the State Board for the administration of primary elections or for failure to comply with applicable state election laws until all requirements are met to the satisfaction of the State Board. [A.C.A. § 7-7-201(b)(3)]
The State Board of Election Commissioners has promulgated rules under the Administrative Procedure Act and developed guidelines establishing eligible state-funded election expenses.

The State Board of Election Commissioners’ Rules for Reimbursement of Expenses for State-Funded Elections and its guidelines for seeking reimbursement from the State Board for a May preferential primary election, for a June primary runoff election, for a statewide special election, and for a special primary election are provided in the Forms section in the back of this manual.

**General Elections**

All expenses of general elections for presidential, congressional, state, district, county, township, or municipal offices in this state shall be paid by the counties in which held, and cities or incorporated towns shall reimburse the county boards of election commissioners for the expenses of the elections according to the formula outlined in Ark. Code Ann. § 7-5-104. 
[A.C.A. § 7-5-301(j)]

**Special Elections**

**Paid by County:**
Except for statewide special elections and special party primary elections paid by the State Board of Election Commissioners in accordance with Ark. Code Ann. § 7-7-201, expenses for special elections for congressional, state, district, county, and township offices, including runoff elections as required by law, shall be paid by the counties in which they are held.
[A.C.A. § 7-5-104(b)(1)]

All expenses of special elections called by any county to refer a question or measure to the voters of the county shall be paid by the county. [A.C.A. § 7-5-104(b)(3)]

**Paid by City/ Incorporated Town:**
All expenses of special elections for municipal offices, including any runoff elections as required by law, and for referring a question or measure to the voters of the city or incorporated town shall be paid by the city or incorporated town calling for the elections. [A.C.A. § 7-5-104(b)(2), (4)]
ELECTIONS WITH SPECIAL PROCEDURES

ANNUAL SCHOOL ELECTION

A school election is held annually in each school district of the state on the third Tuesday in September to elect school board positions and submit to a vote of the people an annual proposed rate of tax for the maintenance and operation of schools and the retirement of indebtedness. [Article 14, § 3 of the Arkansas Constitution, as amended by Amendments 1, 11, and 40; A.C.A. § 6-14-102(a)(1); Attorney General’s Opinion No. 96-380]

Polling Sites

Designation:
The county board of election commissioners designates all the polling sites for each school district in its county, including districts having territory in more than one (1) county but that are domiciled for administrative purposes in its county. [A.C.A. § 6-14-106(a)(1)]

Polling sites for school elections are established by a majority vote of the members of the county board present. [A.C.A. 6-14-106(a)(3)]

The polling sites for each school election are the same as those established for the immediately preceding school election unless changed by order of the county board. [A.C.A. § 6-14-106(a)(4)(A)]

Each polling site for a school district’s annual school election must be located within the school district. [A.C.A. § 6-14-106(a)(4)(B)]

In a contested school election in a school district with territory in more than one (1) county, the county board of the domicile county (the county where administrative headquarters is located) must designate one (1) or more polling sites in each county in which the school district has territory containing a city of the second class or larger with registered electors. [A.C.A. § 6-14-106(b)]

Consultation with School District:
The county board must consult with each school district regarding the number of polling sites to designate for each school district and the location of the polling sites. [A.C.A. § 6-14-106(a)(2)]

Reduced Polls/No Poll Elections:
If requested by resolution adopted by the board of directors of any school district, the county board may reduce the number of polling sites or allow annual school elections to be conducted by early and absentee voting only with no polling sites open, if all candidates for school district director are unopposed and there are no ballot issues for consideration, with the exception of the local tax rate if that rate is not being changed or restructured. [A.C.A. § 6-14-102(e)]

The county board of election commissioners may choose to use only paper ballots counted by hand for the no poll election. [A.C.A. § 6-14-102(e)(2)(B)]
Election Officials

Qualifications:
In addition to other qualifications under Arkansas law regarding poll workers, a poll worker at a school election shall not be a paid employee of the school district holding the election. [A.C.A. § 6-14-106(f)(2)]

Number:
The county board of election commissioners of the domicile county appoints one (1) election judge and one (1) election sheriff for each polling site and as many additional election clerks at each polling site as are necessary for holding the election. [A.C.A. § 6-14-106(a)(1), (f)(1)]

Compensation:
The school district board may allow sufficient compensation to the election officials to secure good citizens to serve. [A.C.A. § 6-14-119]

Publications

Public Notice of Election:
Beginning at least twenty (20) days before each school election to be held within the district, the board of directors of each school district must, in a newspaper of general circulation in the county or counties in which the district is administered, once a week for three (3) weeks, publish notice of the time, place, and questions to be submitted to the electors. [A.C.A. § 6-14-109]

Polling Sites:
The board of directors of each school district must also publish at least one (1) notice identifying the polling site for each ward or precinct in a newspaper of general circulation, not more than ten (10) days and not less than three (3) days before any school election. [A.C.A. § 6-14-106(d)]

Changes in Polling Sites:
The board of directors of each school district must publish at least one (1) notice identifying changes in polling sites since the last school election in a newspaper of general circulation, not more than ten (10) days and not less than three (3) days before any school election.
[A.C.A. § 6-14-106(d)]

Ballot Position Draw:
Notice of the drawing for ballot position must be published three (3) days before the public meeting for ballot draw; this requirement can be met by working with the school district to include the drawing dates in at least one (1) of its required publications of notice.
[A.C.A. §§ 6-14-109; 7-5-207(c)(2)]
ANNUAL SCHOOL ELECTION

Ballots

The county board of election commissioners of the domicile county prepares and furnishes ballots for the annual school election. [A.C.A. § 6-14-111(b)]

Only issues authorized to be on the ballot by the Arkansas Constitution or by statute may appear on the ballot. [A.C.A. § 6-14-102(a)(2)]

The county board places on the ballots as a candidate for school district director the name of any qualified registered voter whose political practices pledge, affidavit of eligibility, and petition has been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes according to Ark. Code Ann. § 6-14-111.

On the day after the deadline for candidates filing by petition, the county clerk must certify to the county board the names of those candidates who have qualified for the ballot by petition. [A.C.A. § 6-14-111(i)(1)]

Immediately after the close of the write-in filing period, the county clerk certifies to the county board any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the clerk. [A.C.A. § 6-14-111(i)(2)]

The county board must hold a public meeting no later than sixty-seven (67) days before the annual school election and determine by lot the order that the names of the candidates will appear on the ballot. [A.C.A. § 6-14-111(j)]

Election Materials

The county board of election commissioners of the domicile county prepares and furnishes all necessary election supplies for the annual school election. [A.C.A. §§ 6-14-106(a)(1); 6-14-111(b)]

If a school district has territory in more than one (1) county, the county board must assure that the necessary precinct registration files are delivered to each polling site in order that the electors in each county may vote in the school election. [A.C.A. § 6-14-106(c)]

Upon request of the county board for uniformity in conducting annual school elections, the State Board of Education prepares, distributes at least thirty (30) days before the annual school election, and bears the cost of providing at least one (1) annual school election kit or package per poll designed especially for conducting annual school elections in the manner required by law. [A.C.A. § 6-14-113]

Ballot Secrecy

Each voter must be provided privacy to mark his or her ballot. [A.C.A. § 6-14-110]
**Counting Ballots and Certifying Results**

**Certification of Results:**
When the polls are closed, the election officials must immediately count the results, make a return of the votes, certify the return, and file the certification with the county clerk for delivery to the county board of election commissioners. [*A.C.A. §§ 6-14-114; 6-14-115*]

The county board must determine, declare, and certify the result of the school election to the county clerk, no earlier than forty-eight (48) hours and no later than ten (10) days after the election. [*A.C.A. § 6-14-115*]

The certification must show the number of votes cast for each person for school district director, the number of votes cast for and against the school tax, the number of additional mills for maintenance and operation, the number of mills for dedicated maintenance and operation, the number of mills for debt service, the total millage rate levied for all purposes in excess of the uniform rate of tax, and the number of votes cast for and against any other question submitted at the election. [*A.C.A. § 6-14-114*]

The county board files the certification of election and one (1) ballot with the county clerk. [*A.C.A. § 6-14-115(a)*]

**Runoff Election:**
If no candidate for any school district position receives a majority of the votes cast for the office or if a tie vote exists, a runoff election is held in the district three (3) weeks after the date of the election with the names of the two (2) candidates receiving the highest number of votes placed on the runoff ballot. Candidates have the same relative ballot position as in the school election. [*A.C.A. §§ 6-14-121(a); 7-5-207(c)*]

The person receiving the majority of the votes cast for the position at the runoff election is declared elected. [*A.C.A. § 6-14-121(b)*]

In the event the two (2) candidates in the runoff election seeking election to the same school district position receive the same number of votes, a tie exists, and the county board determines the winner by lot at an open public meeting and in the presence of the two (2) candidates. [*A.C.A. § 6-14-121(d)*]

**Candidate Withdrawal:**
If one (1) of the two (2) candidates who received the highest number of votes for a school district position withdraws before certification of the result of the school election, the remaining candidate who received the most votes is declared elected, and there is no runoff election. [*A.C.A. § 6-14-121(c)*]
ANNUAL SCHOOL ELECTION

**Election Contest**

Within twenty (20) days of the date of certification, a candidate may contest the election in the circuit court of the county in which the school district is domiciled according to the procedures provided under Ark. Code Ann. § 7-5-801 et seq. [*A.C.A. § 6-14-116*]

**Election Expenses**

The school districts in the county reimburse the county out of its school fund the cost of the election [*A.C.A. § 6-14-118*]

Each school district’s share of the total cost is determined by multiplying the total cost of the election by a fraction, the numerator of which is the number of votes cast in the specific school election and the denominator of which is the total number of votes cast in the entire election. [*A.C.A. § 6-14-118*]

Expenses incurred for election officials at individual polling places are paid by the school district in which the polling place is located. [*A.C.A. § 6-14-118*]
SPECIAL ELECTIONS

Laws Governing

In the absence of provisions in the laws governing special election procedures, a special election is governed by either primary election laws of the state or general election laws of the state, as the case may be and by provisions in the proclamation calling the election if different from the laws. [A.C.A. § 7-11-301]

Calling

All special elections and other elections to fill a vacancy in an office are called by proclamation, ordinance, resolution, order, or other authorized document of the appropriate constituted authority. [A.C.A. § 7-11-101]

Except for special school elections, all special elections on measures or questions referred to the voters by governmental entities as authorized by law are called by proclamation, ordinance, statute, resolution, order, or other authorized document of the appropriate constituted authority. [A.C.A. § 7-11-201]

Calling Document

Vacancies in State, Federal, or District Offices/State Measures or Questions:
The proclamation, ordinance, resolution, order, or other authorized document of the appropriate constituted authority calling a special election to fill a state, federal, or district office or calling a special election on a state measure or question is filed with the Secretary of State, who immediately transmits the document to the county board of election commissioners of each county where the special election is to be held. [A.C.A. §§ 7-11-103(a); 7-11-202(a)]

Vacancies in Local Offices/Local Measures or Questions:
The proclamation, ordinance, resolution, order, or other authorized document of the appropriate constituted authority calling a special election to fill a local office or calling a special election on a local measure or question is filed with the county clerk of the county administering the election, who immediately transmits the document to the county board of each county where the special election is to be held. [A.C.A. §§ 7-11-104(a); 7-11-203(a)]

Special Election to Fill Vacancy:
The proclamation, ordinance, resolution, order, or other authorized document calling for a special election to fill a vacancy in an office must be published in a newspaper of general circulation where the special election is to be held and must set forth the:

- Date of the election;
- Date of the special primary election, if any;
- Date of the special primary runoff election, if any is required;
SPECIAL ELECTIONS

• Deadline for filing as a party candidate with the county clerk or Secretary of State, as the case may be;
• Deadline for party conventions to select nominees, if applicable;
• Deadline for parties to issue certificates of nomination or certified lists of nominees, as the case may be, if applicable;
• Deadline for candidates to file certificates of nomination, if applicable, with the county clerk or the Secretary of State, as the case may be;
• Deadline for filing as an independent candidate and the period that a petition for independent candidacy may be circulated;
• Deadline for filing as a write-in candidate, if applicable;
• Deadline for the county board of election commissioners to draw for ballot position; and
• Date the election shall be certified by the county board in each county where the election takes place and, if applicable, by the Secretary of State. [A.C.A. §§ 7-11-102; 7-11-103(b)]

Special Election on Measures or Questions:
The proclamation, ordinance, statute, resolution, order or other authorized document calling the special election must set out:
• The date of the special election;
• The full text of any measure or question for which the election is called;
• The ballot title, if any, for the measure or question for which the election is called; and
• Any other information required by law. [A.C.A. § 7-11-204]

Publication:
The county board must publish the calling document as soon as practicable in a newspaper of general circulation in the county where the special election is being held. [A.C.A. §§ 7-11-103(b); 7-11-202(b)]

In addition to the publication of the calling document, notice of special elections held under Title 7, Chapter 11 must be published and posted according to Ark. Code Ann. §§ 7-5-202 and 7-5-206. [A.C.A. § 7-11-303]

When Held

Second Tuesday of Month:
Except as otherwise provided by law, a special election to fill vacancies in office and the associated special primary election and all special elections on measures or questions referred to voters is held on the second Tuesday of any month. [A.C.A. §§ 7-11-105(a); 7-11-205(a)(1)(A)]

Third Tuesday of Month:
A special election scheduled to occur in a month where the second Tuesday of the month is a legal holiday is held on the third Tuesday of the month. [A.C.A. §§ 7-11-105(b); 7-11-205(a)(1)(B)(i)]

Fourth Tuesday of Month:
A special election called in June of an even-numbered year is held on the fourth Tuesday of the month. [A.C.A. §§ 7-11-105(c); 7-11-205(a)(1)(B)(ii)]
With Preferential Primary Election or General Election:
A special election to fill a vacancy in office held in the same month that a preferential primary election or general election is scheduled to occur is held on the same date as the preferential primary election or general election, but no less than 70 days after the date established in the proclamation, ordinance, resolution, order, or other authorized document for drawing for ballot position. [A.C.A. § 7-11-105(d)(1), (e)(1)]

A special election on a measure or question held in the same month that a preferential primary election or general election is scheduled to occur is held on the same date as the primary or general election, but no less than 70 days after the proclamation, ordinance, resolution, order or other authorized document is filed with the county clerk. [A.C.A. §§ 7-11-205(a)(1)(A); 7-11-205(b)(1)]

Special Primary Election:
A special primary election to fill a vacancy in nomination may be called only if the special primary election can be called, held, conducted, certified, and certificates of nomination filed at least 70 days before the general election. [A.C.A. § 7-11-107(a)(2)]

If there is only one (1) candidate after all deadlines for filing as a candidate have passed in a special primary election to fill a vacancy, the county board of election commissioners shall certify the candidate as the nominee of the political party without holding a special primary election for the political party. [A.C.A. § 7-11-107(a)(2)]

Other Special Elections:
If a special election to fill a vacancy in office is not held at the same time as the preferential primary election or general election, the special election is held not less than 60 days after the date established in the proclamation, ordinance, resolution, order, or other authorized document for drawing for ballot position. [A.C.A. §§ 7-11-105(e)(2); 7-11-205(b)(2)]

Vacancies Filled Under Arkansas Constitution, Amendment 29:
When a vacancy in office is to be filled under Arkansas Constitution, Amendment 29, the Governor issues a proclamation calling an election to fill a vacancy. [A.C.A. § 7-11-302(1)]

If the vacancy occurs less than 180 days before the general election at which the vacancy is to be filled and the position is one that may be filled by partisan election, the political parties shall choose their nominees at a convention. [A.C.A. § 7-11-302(2)]

If the vacancy occurs more than 180 days before the general election and is a position that may be filled by partisan election, the Governor certifies the fact of vacancy in writing to the state committees of the political parties and request written determination within ten (10) days as to whether the political parties desire to hold a special primary election or a convention to choose nominees. [A.C.A. § 7-11-302(3)]

If no state committee of any political party timely responds to the Governor of its determination to hold a special primary election or convention, the Governor declares by proclamation that all nominees shall be chosen by convention. [A.C.A. § 7-11-302(5)]
SPECIAL ELECTIONS

If the state committee of any political party timely notifies the Governor of its choice to hold a special primary election, all party nominees must be chosen at a special primary election. [A.C.A. § 7-11-302(4)]

The Governor issues a proclamation that sets dates for both the special primary election and any primary runoff election if no candidate receives a majority of the vote at the special primary election. [A.C.A. § 7-11-302(4)]

Polling Sites

Reduction: If in a special election to fill a vacancy, there is only one (1) candidate and no other office or issue on the ballot, the county board of election commissioners may reduce the number of polling places for the election to only one (1) polling place. [A.C.A. § 7-11-107(a)(2)]

The polling place may be at the courthouse and may be staffed by the county clerk or as many poll workers as the county board deems necessary. [A.C.A. § 7-11-107(a)(2)]

No Poll Elections: If in a special election to fill a vacancy, there is only one (1) candidate and no other office or issue on the ballot, the county board may conduct the election by absentee and early voting only with no polls open on election day. [A.C.A. § 7-11-107(a)(1)]

The county board of election commissioners may choose to use only paper ballots counted by hand for the no poll election. [A.C.A. § 7-11-107(b)]

Ballots

Primary Elections: When a special primary election is held on the same date as a preferential primary election, the names of the candidates to be voted upon at the special primary election are included on the ballot of each political party and the portion of the ballot on which the special primary election appears is labeled with a heading stating “SPECIAL PRIMARY ELECTION FOR _____________” with the name of the party for which nomination is sought and the office set out in the heading. [A.C.A § 7-11-106(a)]

When a special election is held on the same date as a preferential primary election, the names of the candidates and any issue or issues to be voted upon at the special election are included on the ballot of each political party and that portion of the ballot on which the special election appears is labeled with a heading stating “SPECIAL ELECTION FOR…” with the name of the office set out in the heading or “SPECIAL ELECTION ON…” with a brief description of the measure or question to be decided in the election. [A.C.A. §§ 7-11-105(d)(2); 7-11-205(a)(2)(A), (B)]

Separate ballots containing the names of the candidates to be voted on at the special election, any nonpartisan candidates, and any other measures or questions to be voted upon must be provided...
SPECIAL ELECTIONS

for those voters who wish to vote in the special election or nonpartisan general election, but do not wish to vote in a party’s primary.
[A.C.A. §§ 7-7-306(b); 7-10-102(b)(2),(3); 7-11-105(d)(3), (4)(A); 7-11-106(b); 7-11-205(a)(3), (4)]

General Elections:
When a special primary election is held on the same date as a general election, the names of the candidates to be voted upon at the special primary election are included on the general election ballot and that portion of the ballot is labeled “SPECIAL PRIMARY ELECTION FOR . . .” with the name of the office set out in the heading.

When a special election is held on the same date as a general election, the names of the candidates and the issue or issues to be voted upon at the special election are included on the general election ballot and the portion of the ballot on which the special election appears is labeled with a heading stating “SPECIAL ELECTION FOR . . .” with the name of the office set out in the heading or “SPECIAL ELECTION ON…” with a brief description of the measure or question to be decided in the election. [A.C.A. § 7-11-105(d)(4)(B)(i)]

The county board may provide a separate ballot for any special election held at the general election, if determined necessary to avoid voter confusion. [A.C.A. § 7-11-105(d)(4)(B)(ii)]
FORMS & INSTRUCTIONS

RULES

Rules for County Election Commissioners Training (Effective December 1, 2005; Revised September 16, 2011)

Rules for Poll Worker Training (Effective March 17, 2002; Revised November 8, 2013)

Rules for Reimbursement of Expenses for State-Funded Elections (Effective February 6, 2004; Revised November 8, 2013)

Rules for Voter Intent (Effective April 14, 2002; Revised September 16, 2011)

Rules on Poll Watchers, Vote Challenges, and Provisional Voting (Effective April 22, 2006; Revised November 8, 2013)

Rules for Voter Identification (Effective January 1, 2014)

For a complete list of all of the State Board’s rules please visit http://www.arkansas.gov/sbec

GUIDELINES

Guidelines for State-Funded Compensation for County Election Commissioners Training (Effective December 1, 2005; Revised September 21, 2011)

Guidelines for State-Funded Compensation for State Board-Certified Trainers (Effective December 17, 2003; Revised September 21, 2011)

Guidelines for Ballot Name Certification (Effective; Revised August 20, 2013)

For a complete list of all of the State Board’s guidelines please visit http://www.arkansas.gov/sbec
CHECKLISTS
Commission Checklist for Combined May Preferential Primary and Nonpartisan General Elections (Effective May 18, 2004; Revised October 23, 2013)
Commission Checklist for November General Elections (Effective May 18, 2004; Revised October 23, 2013)
Commission Checklist for Statewide Special Elections (Effective May 18, 2004; Revised October 23, 2013)

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Degrees of Consanguinity
RULES
FOR
COUNTY ELECTION COMMISSIONERS TRAINING
(Effective December 1, 2005; Revised September 16, 2011)

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Scope of Rules

These rules will set forth the procedures for training members of the county boards of election commissioners in the 75 counties in the State. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

§700 Definitions

(a) County Board of Election Commissioners - the three-member board in each of the 75 counties in this State responsible for conducting all elections within their respective county, including two members elected by the county committee of the majority party and one member elected by the county committee of the minority party or persons appointed by the state chair of either the majority or minority party to fill a vacancy in that party’s position.¹

(b) Election Official - a person who is a member of the county board of election commissioners or a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff.²

(c) Primary Election - any election held to select the nominees of a political party for election at any general or special election in this state.³

§701 Qualifications of a Member of the County Board of Election Commissioners

The qualifications⁴ of a member of the county board of election commissioners as determined by the General Assembly⁵ are as follows:

1) Must be a qualified elector of this state;
2) Must be able to read and write the English language;
3) Must be a resident of the county in which he or she serves at the time of his or her appointment or election;
4) Must not have been found guilty or pled guilty or nolo contendere to the violation of any election law of this state;
5) Must not be a paid employee of any political party;
6) Must not be a paid employee of any person running for any office on the county’s ballot;
7) Must not participate in any campaign for persons listed on the county’s ballot, except for making financial contributions;
8) Must not be employed with a company that has any business dealings, contracts, or pending contracts with the county board of election commissioners at the time of his or her appointment to the county board;

¹ A.C.A. § 7-4-102(a), as amended by Act 1056 of 2011
² A.C.A. § 7-1-101
³ A.C.A. § 7-1-101
⁴ A.C.A. § 7-4-109
⁵ Art 3, § 10 of the Arkansas Constitution, as amended by Amendment 85
9) Must not be a candidate for any office to be filled at an election while serving on the county board, except for appearing on the ballot as a candidate for a position in his or her political party; and
10) Must not be married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to the service is made to the county board of election commissioners within ten (10) calendar days after the posting of the list of officials.

§702 Required Training

Each member of the county boards of election commissioners shall attend either a comprehensive training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election or an advanced training program conducted by the State Board of Election Commissioners after each regular legislative session.6

Any member of a county board of election commissioners who has not served on the commission during the previous preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program.

A member of a county board of election commissioners shall attend additional interim training if deemed necessary and appropriate by the State Board.

§703 Compensation

Upon completion of training conducted by the State Board of Election Commissioners:
1) Each county election commissioner attending the training is eligible to receive $100, plus mileage reimbursement at the rate established for state employees by state travel regulations;7 and
2) Election commissioner training compensation will be paid by the State Board to the County Treasurer upon receipt from the county of the reporting form approved and provided by the State Board to the county for that purpose.

Attendance by county election coordinators is optional, and compensation for attending training will not be provided by the State Board.

§704 Noncompliance

The State Board may withhold funding for county election commissioner training attendance from any county that fails to comply with the rules and guidelines developed by the State Board

6 A.C.A. § 7-4-109(e)(1)
7 A.C.A. § 7-4-109(e)(2)
for the administration of election commissioner training, until all requirements are met to the satisfaction of the State Board.\textsuperscript{8}

\textbf{§705 Training Materials}

The State Board of Election Commissioners will provide training materials to each county election commissioner attending training.

\footnote{\textsuperscript{8} A.C.A. § 7-7-201(b)(3)}
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RULES
FOR
POLL WORKER
TRAINING
(Effective March 17, 2002; Revised November 8, 2013)
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Scope of Rules

These rules will set forth the procedures for coordinating poll worker training in the 75 counties in the state. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

§ 200 Definitions

(a) Election Official – a person who is a member of the county board of election commissioners or a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff.¹

(b) Polling Site – a location selected by the county board of election commissioners where votes are cast.²

(c) Poll Worker – an election official designated by the county board of election commissioners to be an election clerk, election judge or election sheriff at a polling site.

(d) Precinct – a geographical area the boundaries of which are determined by a county board of election commissioners in order to facilitate voting by the registered voters from that geographical area.

(e) Primary Election – any election held to select the nominees of a political party for election at any general or special election in this state.³

§ 201 Qualifications of Election Officials Designated as Poll Workers

The qualifications⁴ determined by the General Assembly⁵ of an election official designated by the county board of election commissioners to serve as a poll worker are as follows:

1) Must be a qualified elector of this state;
2) Must be able to read and write the English language;
3) Must be a resident of the precinct in which he or she serves at the time of his or her appointment, unless the county board determines unanimously that it is impossible to obtain qualified poll workers from the precinct, in which case, the poll worker shall be a qualified county resident;
4) Must not have been found guilty or pled guilty or nolo contendere to the violation of any election law of this state;
5) Must not be a paid employee of any political party;
6) Must not be a paid employee of any person running for any office on the county’s ballot;

¹ A.C.A. § 7-1-101
² A.C.A. § 7-1-101
³ A.C.A. § 7-1-101
⁴ A.C.A. § 7-4-109
⁵ Art 3, § 10 of the Arkansas Constitution, as amended by Amendment 85
7) Must not be a candidate for any office to be filled at an election while serving as a poll worker; and
8) Must not be married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to the service is made to the county board of election commissioners within ten (10) calendar days after the posting of the list of officials.

§ 202 Required Training

Each county board of election commissioners shall:
1) Designate at least two (2) qualified electors of the county to attend training conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election for the purpose of being certified by the State Board as poll worker trainers for the county. Each designee shall attend either a comprehensive training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election or an advanced training program conducted by the State Board of Election Commissioners after each regular legislative session. Any designee who has not served as a certified poll worker trainer during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program;
2) Ensure that all poll workers at each polling site for a regularly scheduled election attended election training conducted locally by State Board-certified trainers and coordinated by the State Board prior to each regularly scheduled preferential primary election; and
3) Ensure that at least one (1) poll worker at each polling site attended election training coordinated by the State Board within twelve (12) months prior to any regularly scheduled election.

§ 203 Certification and Compensation of Poll Worker Trainers

Upon successful completion of training conducted by the State Board of Election Commissioners:
1) Certification, valid for a period of two (2) years, shall be issued by the State Board to each designated trainee who successfully completes the training program;
2) A maximum of two (2) certified trainers per county are eligible to receive $100 each, plus mileage reimbursement at the rate established for state employees by state travel regulations;
3) The two (2) certified trainers per county are eligible to receive an additional $50 each per training session up to a maximum of two (2) sessions each for conducting poll worker training locally before the preferential primary election; and
4) Certified trainers’ compensation will be paid by the State Board to the County Treasurer upon receipt of the reporting form approved and provided by the State Board to the county for that purpose.

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6 A.C.A. §§ 7-4-107(b)(2); 7-4-109(e)(1) as amended by Act 1457 of 2013
7 A.C.A. § 7-4-107(b)(2)
Certification and compensation of additional county trainers will be considered by the State Board on a case by case basis based upon need and availability of sufficient resources and funding.

§ 204 Compensation for Poll Worker Training Attendance

A poll worker who attends training conducted by a State Board-certified trainer and who works the preferential primary election immediately following the training is eligible to receive a maximum $25 additional one-time payment.⁸

A county is eligible to receive compensation for poll worker training attendance up to a maximum of six (6) eligible poll workers per precinct per polling site per preferential primary election.

Poll worker compensation will be paid by the State Board to the County Treasurer upon receipt of suitable supporting documentation from the county, as determined by the State Board.

§ 205 Noncompliance

The State Board may withhold funding for poll worker training attendance from any county that fails to comply with the rules and guidelines developed by the State Board for the administration of poll worker training, until all requirements are met to the satisfaction of the State Board.⁹

§ 206 Training Materials

The State Board of Election Commissioners will provide training materials for local poll worker training to each of the seventy-five (75) counties.

Poll worker training shall be conducted only by State Board-certified trainers using materials provided by the State Board. Any exception must be by prior written request to the State Board with prior written approval by the State Board. Approval by the State Board is not required for materials related to voting system training or supplemental procedures not addressed by materials provided by the State Board.

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⁸ A.C.A. § 7-4-109(e)(2)
⁹ A.C.A. § 7-7-201(b)(3)
RULES
FOR
REIMBURSEMENT OF EXPENSES
FOR
STATE-FUNDED ELECTIONS
(Effective February 6, 2004; Revised November 8, 2013)
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Scope of Rules

These rules set forth general procedures for distribution of funds from the State to the counties for election expenses related to state-funded elections. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

§ 500 Definitions

(a) **Canvassing** - examining and counting the returns of votes cast at a public election to determine authenticity.\(^1\)

(b) **County Board of Election Commissioners** - the three-member board in each of the 75 counties in this State responsible for conducting all elections within their respective county, including two members elected by the county committee of the majority party and one member elected by the county committee of the minority party or persons appointed by the state chair of either the majority or minority party to fill a vacancy in that party’s position.\(^2\)

(c) **Election Expenses** - for the purpose of these rules, costs incurred by a county for conducting a state-funded election, including poll workers pay, extra help pay, mileage expenses, election commissioners pay, supply costs, programming costs, ballot printing costs, legal advertising costs, and facility fees, as specified in the reimbursement rules and guidelines established by the State Board of Election Commissioners.

(d) **Election Official** - a person who is a member of the county board of election commissioners or a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff.\(^3\)

(e) **Electronic Vote Tabulating Device** - a device, commonly referenced as an optical scanner, used to electronically scan a marked paper ballot for the purpose of tabulation.\(^4\)

(f) **Extra Help** - temporary full-time, temporary part-time or contract labor employed by a county to assist the county board of election commissioners. For the purpose of these rules, a temporary county employee is defined as any person employed only during limited parts of the year to assist county election commissions in conducting elections.

(g) **Nonpartisan General Election** - the regular biennial election held on the same date and at the same time and places as for a preferential primary election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, prosecuting attorney, and district judge.\(^5\)

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\(^1\) A.C.A. § 7-1-101
\(^2\) A.C.A. § 7-4-102(a), as amended by Act 1056 of 2011
\(^3\) A.C.A. § 7-1-101
\(^4\) A.C.A. § 7-1-101
\(^5\) A.C.A. § 7-10-102
(h) **Off-site Early Voting** - additional polling sites for early voting that are located outside the office of the county clerk and under the direction and supervision of the county board of election commissioners.\(^6\)

(i) **Permanent County Employee** - any person, who is not “Extra Help” as defined by these rules, who is employed by the county on a permanent full-time or permanent part-time basis.

(j) **Polling Site** - a location selected by the county board of election commissioners where votes are cast.\(^7\)

(k) **Poll Worker** - an election official designated by the county board of election commissioners to be an election clerk, election judge or election sheriff at a polling site.

(l) **Primary Election** - any election held to select the nominees of a political party for election at any general or special election in this state.\(^8\)

(m) **Public meeting** - any gathering consistent with the definition established under the Arkansas Freedom of Information Act of 1967, A.C.A. § 25-19-101, et. seq.

(n) **Special election** - any specially scheduled election to fill vacancies or to approve any measure.\(^9\)

(o) **State-funded elections** - preferential primary elections, general primary elections, special primary elections, nonpartisan general elections, and statewide special elections.

(p) **Voting machine** - a direct recording electronic voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter, processes the data by means of a computer program, records voting data and ballot images in internal and external memory components, and produces a tabulation of the voting data stored in a removable memory component and in a printed copy.\(^10\)

(q) **Voting system** - the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. “Voting system” also includes the practices and documentation used to identify system components and versions of components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system changes to be made to a system after the initial qualification of the system; and make available any materials to the voter, including without limitation notices, instructions, forms, or paper ballots.\(^11\)

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\(^6\) A.C.A. § 7-5-418(b)
\(^7\) A.C.A. § 7-1-101
\(^8\) A.C.A. § 7-1-101
\(^9\) A.C.A. § 7-1-101
\(^10\) A.C.A. § 7-1-101
\(^11\) A.C.A. § 7-1-101
§ 501 State Funding of Elections

The State Board of Election Commissioners, hereinafter referred to as the “State Board,” is statutorily charged with funding political party primary elections from funds appropriated to the State Board for election expenses of the State Board and the county boards of election commissioners, hereinafter referred to as the “county boards,” for conducting preferential primary elections, general primary elections, special primary elections, nonpartisan general elections, and statewide special elections.\(^{12}\)

§ 502 Withholding of State Funding

The State Board may withhold funding for eligible state-funded election expenses from any county that fails to comply with the rules developed by the State Board for the administration of primary elections or fails to comply with applicable state election laws, until all requirements are met to the satisfaction of the State Board.\(^{13}\)

Failure to comply with the rules and guidelines for reimbursement of expenses for state-funded elections established by the State Board, or failure to deliver to the Secretary of State certified results of the election and any additional election information designated by the Secretary of State will result in withholding of funding for eligible state-funded election expenses to the county, until all requirements are met to the satisfaction of the State Board.\(^{14}\)

§ 503 Advance Funding

Following each regular legislative session, the State Board will establish an estimated average cost per registered voter by county for conducting statewide special elections and for conducting preferential primary elections based upon databases of comparative state-funded election costs maintained by the State Board.

A county is eligible to receive funding from the State Board before any statewide special election or preferential primary election upon proper request made to the State Board by the county board.

The request must be in writing under the signature of all three (3) commissioners and received by the State Board at least thirty (30) days before the statewide special election or preferential primary election.

Upon review and approval by staff, the county treasurer will receive funding from the State Board based upon one half (1/2) of the county’s previously estimated cost per registered voter for conducting the election, or a minimum of two thousand five hundred dollars ($2,500) for a

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\(^{12}\) A.C.A. §§ 7-4-101(f)(11); 7-7-201(a); Act 578 of 2011
\(^{13}\) A.C.A. § 7-7-201(b)(3)
\(^{14}\) A.C.A. §§ 7-5-701(c)(2); 7-5-707, as amended by Act 1238 of 2011
statewide special election or five thousand dollars ($5,000) for a preferential primary election, whichever is greater.

The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

§ 504 Funding of Eligible Expenses

Before each state-funded election, the State Board will furnish each county board with comprehensive guidelines, instructions and worksheets for requesting payment from the State Board for eligible state-funded election expenses.

After each state-funded election, the county board must submit to the State Board copies of invoices, receipts, and all other required documentation in support of eligible election expenses incurred in conducting the state-funded election.

A county is eligible to receive funding from the State Board after the state-funded election upon proper request made to the State Board by the county board. The county board may designate one or more persons to submit its county’s request for reimbursement to the State Board.

A county must carefully follow all instructions and submit its request according to the State Board’s rules and guidelines to maximize receipt of funding for eligible state-funded election expenses from the State Board.

Upon review by staff and approval by the State Board, each county treasurer will receive funding from the State Board for eligible state-funded election expenses as defined by rule. The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

§ 505 Uniform and Consistent Funding

This system of funding by the State Board has resulted in uniform and consistent distribution of funds from the State to the counties and provided information needed for the development of databases of comparative election costs, thus allowing the State to maintain a high level of fiscal accountability.¹⁵

§ 506 Eligible State-Funded Election Expenses

A county is eligible to receive funding from the State Board for eligible expenses incurred up to maximum amounts as detailed below.

¹⁵ A.C.A. § 7-7-201
A. Poll Workers Pay

Eligible Poll Workers Pay includes funding for poll workers working polling sites on a state-funded election day, funding for poll workers working off-site early voting polling sites, and funding for poll workers who attend training as specified under separate rule.

A county is eligible to receive a maximum $100 per poll worker who works at a polling site from opening until closing on election day of a state-funded election.\(^{16}\)

A county is eligible to receive a maximum $50 per poll worker who works a split shift (half day) at a polling site on election day of a state-funded election.

A county is eligible to receive the current federal or state minimum wage, whichever is greater at the time of the state-funded election, and applicable overtime wages if required by law, for the actual number of hours worked by a poll worker at an off-site early voting polling site outside of the county clerks’ office and under the direction and supervision of the county board.\(^{17}\)

A county is eligible to receive a maximum $25 additional one-time payment per poll worker who attends training conducted by a State Board-certified trainer and who works the preferential primary election immediately following the training (see the State Board’s “Rules for Poll Worker Training”).\(^{18}\)

A county is eligible to receive funding for an average of six (6) eligible poll workers per precinct per state-funded election.

B. Extra Help Pay

Eligible Extra Help Pay includes funding for workers designated by the county board to prepare, package and deliver election materials to poll workers for each polling site, funding for poll workers designated to return election materials to the county board after the closing of the poll, funding for workers to unpack and store election materials after the election, funding for election clerks processing absentee ballots on election day, and funding for election officials designated to tabulate the vote.

A county is eligible to receive funding for eligible extra help at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked.

\(^{16}\) A.C.A. § 7-4-112(a)

\(^{17}\) A.C.A. § 7-4-112(a)

\(^{18}\) A.C.A. § 7-4-109(e)
C. Extra Deputy Pay

A county is eligible to receive funding for one (1) extra deputy to the county clerk, for the purpose of carrying out the requirements of absentee and early voting, at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, and applicable overtime wages if required by law, for the actual number of hours worked per day up to the maximum number of hours per day allowable by law, for a period not to exceed thirty-five (35) days per state-funded election. ¹⁹

D. Mileage Expenses

Eligible Mileage Expenses include funding for the mileage of personnel designated by the county board to deliver election materials to poll workers for each polling site and funding for poll workers designated by the county board to return election materials to the county board after the closing of the poll at the same mileage rate prescribed for state employees in state travel regulations. ²⁰

E. Election Commissioners Pay

A county is eligible to receive funding for election commissioners pay of not less than $25 nor more than $100 per public meeting attended when official business is conducted, up to a maximum of ten (10) public meetings per commissioner per state-funded election. ²¹

Public meetings as defined under the Arkansas Freedom of Information Act include drawing of ballot position, certification of ballots, selection or alteration of location or boundaries of precincts or polling sites, designation of election officials, correction of errors or omissions of ballots, canvassing and certification of election results, canvassing and certification of a recount, and election day.

F. Supply Costs

Eligible Supply Costs include funding for disposable supplies such as pens, pencils, pads, tape, magnifying sheets/glasses, spools of string for marking electioneering areas, ballot marking instruments/devices, envelopes, ballot boxes, seals, stub boxes, election kits, paper, postage for mailing absentee application requests and ballots and for official notice to poll workers and polling sites, RTAL paper for voting machines, and thermal printer paper for communication packs and scanners.

A county may only receive funding for quantities applicable to the specific state-funded election for which it seeks funding.

¹⁹ A.C.A. § 7-5-415
²⁰ A.C.A. § 7-4-112(b)
²¹ A.C.A. § 7-4-111(b)
G. Programming Costs

Eligible Programming Costs include funding for programming and testing of voting machines and electronic vote tabulating devices for state-funded elections, funding for technical support and funding for labor, mileage, and truck rental, if necessary, for transportation of voting machines and precinct tabulating devices to and from polling sites.\(^{22}\)

A county is eligible to receive a maximum $25 per hour for testing voting machines and electronic vote tabulating devices.

A county is eligible to receive a maximum $1,080 per state-funded election for contracted technical support.\(^{23}\)

A county is eligible to receive the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked by extra help designated by the county board to transport voting machines and electronic vote tabulating devices to and from the polling sites, plus truck rental fees or mileage expenses at the same mileage rate prescribed for state employees in state travel regulations.

H. Ballot Printing Costs

Eligible Ballot Printing Costs include funding for the cost of ballot stock and printing of ballots up to the maximum allowed by law and State Board rule.

A county using paper ballots counted by hand or by electronic vote tabulating devices (whether centrally located or at each polling site) in combination with one (1) voting machine per poll accessible to voters with disabilities is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.\(^{24}\)

A county using all voting machines is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one half of the total number of electors voting at the last preceding comparable election.

Regardless of the type of voting system in use, a county is eligible to receive funding for printing a number of separate nonpartisan/special election ballots for the nonpartisan general election and any special election that is held on the same dates, times, and places as the preferential primary election equivalent to one and one half (1.5) times the number of

\(^{22}\) A.C.A. §§ 7-5-301(m)(2); 7-5-515(a), (b); 7-5-611(a)(1)

\(^{23}\) A.C.A. § 7-5-301(g)

\(^{24}\) A.C.A. § 7-5-602(a)
electors voting a separate nonpartisan/special election paper ballot at the last preceding comparable election.\textsuperscript{25}

No voter is required to vote in a political party’s primary to be able to vote in a nonpartisan or special election.\textsuperscript{26}

For each preferential primary election, a county board must provide a special absentee ballot marked “special runoff ballot” to be sent by the county clerk along with the absentee ballot for the preferential primary election to members of the uniformed services of the United States and members of the Merchant Marine while in active duty or service, and their spouses and dependents who, by reason of the active duty or service of the member, are absent from the place of residence where the spouse or dependent is otherwise qualified to vote and to citizens of the United States residing or temporarily outside the territorial limits of the United States and the District of Columbia.\textsuperscript{27}

A county is eligible to receive funding for printing a number of “special runoff ballots” equivalent to a maximum of one and one half (1.5) times the total number of overseas absentee ballot requests received at the last preceding comparable election or one and one half (1.5) times the total number of overseas absentee voters voting on paper ballots at the last preceding comparable election, whichever is greater.

I. Legal Advertising Costs

Eligible Legal Advertising Costs include funding for two (2) publications of the public notice of the date of the election, the hours of voting on election day, the places and times for early voting, polling sites for holding the elections, the candidates and offices to be elected, and the time and location of the opening, processing, canvassing, and counting of ballots, funding for one (1) publication of the notice of the time and place the voting machines will be prepared, funding for one (1) publication of the time and place of testing of voting machines and electronic vote tabulating devices, funding for one (1) publication of the public notice of ballot position drawing for the May preferential primary or special primary elections, and funding for one (1) publication of the calling document for statewide special elections and special primary elections.\textsuperscript{28}

A county must provide a copy of the proof of publication provided by the publisher to be eligible to receive payment for eligible advertising costs.

J. Facility Fees

Eligible Facility Fees include fees charged to a county by a facility to offset the cost of using the facility as an election day or off-site early voting polling site for a state-funded election.

\begin{itemize}
  \item A.C.A. §§ 7-10-102(b)(2); 7-11-105(d)(3); 7-11-106(b); 7-11-205(a)(3)
  \item A.C.A. §§ 7-11-105(d)(4)(A); 7-11-205(a)(4)
  \item A.C.A. § 7-5-406(a),(c), as amended by Act 1188 of 2011
  \item A.C.A. §§ 7-5-202(a), (b); 7-5-207(c)(2); 7-5-416(a); 7-5-515(c)(2); 7-5-516; 7-5-611(a)(3); 7-11-103(b); 7-11-104(b); 7-11-202(b); 7-11-203(b)
\end{itemize}
A county is eligible to receive a maximum of $40 per each facility that requests payment from the county for its use as an election day polling site. For those counties that combine multiple polling sites within a single facility such as an auditorium, each separate location within the single facility where voters identify themselves to poll workers for the purpose of casting a ballot would constitute a polling site.

A county is eligible to receive $40 per day per each facility that requests payment from the county for its use as an off-site early voting polling site, up to a maximum of $4,000 per county per state-funded election.

A county must provide the State Board with a copy of an invoice from each facility to be eligible to receive funding from the State Board.

§ 507 Ineligible State-Funded Election Expenses

A. Poll Workers Pay

The State Board will not provide funding for a volunteer election page for serving as a poll worker on election day.²⁹

B. County Employee Pay

The State Board will not provide funding to reimburse wages or salary of a permanent full-time or permanent part-time county employee.

C. Mileage Expenses

The State Board will not provide funding for mileage expenses incurred by a county election commissioner for travel to and from public meetings or for a poll worker’s travel to and from the polling site, except as provided by law for delivery of election materials and voting equipment.

D. Election Commissioners Pay

The State Board will not compensate a county election commissioner for election-related duties, except as provided by law for public meetings.

E. Supply Costs

The State Board will not provide funding for capital or leasehold improvements to polling sites.

²⁹ A.C.A. § 7-4-116(c)(3)
The State Board will not provide funding for non-expendable equipment and supplies such as voting booths, electric pencil sharpeners, thermal binding machines, pagers, outlet strips, extension cords, adapters, phone cords, and expensive metal signage.

The State Board will not provide funding for expendable supplies such as batteries, copier toner, printer toner cartridges, printer ribbons, diskettes, hanging file folders, manila file folders, binders, and flags.

The State Board will not provide funding for the cost of binding voter books, for reproduction of poll worker training material, for phone lines, phone services or internet services, for portable toilet rental, for furniture rentals, for return postage, or for food.

F. Voting System Costs

The State Board will not provide funding for the purchase of new or used voting systems or for leasing, rental, maintenance, or depreciation of voting systems.

G. Ballot Printing Costs

The State Board will not provide funding for ballot printing reruns due to county or vendor error.

The State Board will not provide funding for overages in ordering and printing ballots, except by prior written request to the State Board with prior written approval by the State Board.

The county and/or the vendor will be financially responsible for excessive printing of paper ballots.

H. Legal Advertising Costs

The State Board will not provide funding for advertising the list of appointed election officials, advertising for poll worker training, advertising in excess of that required by law as defined previously, re-advertising due to county error, or for any costs related to radio or television broadcasting or colored advertising.

I. Facility Fees

The State Board will not provide funding for reimbursing individuals hired to clean facilities used as polling sites.

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30 A.C.A. § 7-5-202(b)(2)
J. Other

The State Board will not provide funding for any penalties assessed to a county by any vendor, such as a surcharge assessed to a county by a vendor for missing deadlines established by the vendor.

The State Board will not consider requests for advance funding for state-funded general primary (run-off) elections or special primary elections. The State Board will review all shipping and handling fees in excess of $500 for consideration of payment on a case-by-case basis.

County funds must be used for funding any election-related expenses incurred by the county in conducting a state-funded election that fall outside the scope of funding by the State Board as defined by rule.

A county may appeal to the State Board for reconsideration of any otherwise eligible expense that is disqualified by the State Board for exceeding maximums established by State Board rules and guidelines.

If a court orders a new election as a result of a contested election, the State Board will consider the criteria for funding the expenses of the new court-ordered election, on a case-by-case basis.
RULES
FOR
VOTER INTENT

(Effective April 14, 2002; Revised September 16, 2011)
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Scope of Rules

These rules and regulations set forth the procedures for determining voter intent. These rules are subject to revisions due to the use of new types of equipment and/or ballot formats, or changes in laws and are in addition to and not a substitute for the laws of the State of Arkansas.

§ 300 Definitions

(a) Candidate area – the area(s) on a ballot where candidates’ names appear.

(b) Electronic vote tabulating device – a device, commonly referenced as an optical scanner, used to electronically scan a marked paper ballot for the purpose of tabulation.1

(c) Issue area – the area(s) on a ballot where measures appear.

(d) Marking device – any approved device for marking a paper ballot with ink or other substances that will enable votes to be tabulated by means of an electronic vote tabulating device.2 Paper ballots counted by hand shall be marked using permanent ink.3 If an electronic vote tabulating device (optical scanner) is used to count paper ballots, a marking instrument recommended by the manufacturer of the optical scanner for proper marking shall be used.4

(e) Measure – an amendment, act, ordinance, referendum, issue, question, plebiscite or proposal not involving the election of candidates that appears on a ballot.5

(f) Over-vote – a ballot containing marks for more than the maximum allowable number of candidates in any one (1) contest6 or containing marks both “FOR” and “AGAINST” a single measure.

(g) Paper ballot – a paper vote sheet that is either counted by hand or by use of an electronic vote tabulating device. The heading of each paper ballot must read: “OFFICIAL BALLOT (description) ELECTION (date), (year). Vote by placing an appropriate mark opposite the person for whom you wish to vote”.7 If the paper ballot contains an initiated or referred amendment, act, or other measure, the heading must also include the language: “Vote on amendments, acts, and measures by placing an appropriate mark below the amendment (or act or measure) either “FOR” or “AGAINST”.8 Every paper ballot must contain printed instructions under the heading that inform the voter of the effect of casting multiple votes

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1 A.C.A. § 7-1-101
2 A.C.A. § 7-1-101
3 A.C.A. § 7-5-602(c)
4 A.C.A. § 7-5-211(a)(2)(H)
5 A.C.A. §§ 7-9-101; 7-9-125
6 A.C.A. § 7-5-603(2)(B)
7 A.C.A. § 7-5-208(b)(1)

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for an office or measure and how to correct the ballot before it is cast and counted.\textsuperscript{9} The paper ballot must contain a place for marking a vote for a candidate adjacent to and on the same line as the name of each candidate. Below each act, amendment, or other measure to be voted on, the words “FOR” and “AGAINST” shall be situated one above the other with a place for marking a vote for each act, amendment, or other measure adjacent to and on the same line of each word.\textsuperscript{10}

(h) \textbf{Properly marked} – a paper ballot appropriately marked in the appropriate places for marking a vote that contains no marks for more than the maximum allowable number of candidates in any one (1) contest or marks both “FOR” and “AGAINST” any single measure.

(i) \textbf{Target area} – the place on the paper ballot for marking a vote for candidates and measures.

(j) \textbf{Under-vote} – no vote is recorded for a contest.

(k) \textbf{Voting machine} – a direct recording electronic voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter, processes data by means of a computer program, records voting data and ballot images in internal and external memory components, and produces a tabulation of the voting data stored in a removable memory component and in a printed copy.\textsuperscript{11}

\textsuperscript{9} A.C.A. § 7-5-601(e)
\textsuperscript{10} A.C.A. § 7-5-208(d)
\textsuperscript{11} A.C.A. § 7-1-101
§ 301 Paper Ballots

The following standards shall apply in determining whether a paper ballot has been properly marked and whether a vote should be counted for any contest in question:

- when paper ballots are not scanned in the presence of the voter due to malfunction of a precinct electronic vote tabulating device and the prescribed counting machine will not accept an individual paper ballot during tabulating,
- when using an electronic vote tabulating device at a central counting location and the prescribed counting machine will not accept an individual paper ballot, or
- when counting paper ballots manually by hand.

Standards

The following instructions assume a single-seat office, that is, the voter is only permitted to vote for one (1) candidate per contest.

1. Any paper ballot that is properly marked, as specified by the ballot instructions, in the target area for one (1) candidate or in the target area as either for or against a measure shall be counted as a vote for that candidate or on that measure for that contest.

   **Vote to be counted:**

<table>
<thead>
<tr>
<th>For Attorney General</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Vote for one)</td>
</tr>
<tr>
<td>☐ Lucille Ball</td>
</tr>
<tr>
<td>☒ Jack Benny</td>
</tr>
<tr>
<td>☐ Desi Arnaz</td>
</tr>
</tbody>
</table>

2. Any paper ballot that is properly marked with any device other than the approved marking device which prevents a machine count shall be counted as a vote.
3. Any paper ballot with identical marks for more than one (1) candidate or with identical marks both for and against a measure, without additional clarifying marks, shall be deemed an over-vote, and no vote shall be counted in that contest.\footnote{A.C.A. § 7-5-603(2)(B)}

Votes **NOT** counted:

<table>
<thead>
<tr>
<th>For Attorney General (Vote for one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Lucille Ball</td>
</tr>
<tr>
<td>☑ Jack Benny</td>
</tr>
<tr>
<td>☐ Desi Arnaz</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>For Attorney General (Vote for one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Lucille Ball</td>
</tr>
<tr>
<td>☑ Jack Benny</td>
</tr>
<tr>
<td>☑ Desi Arnaz</td>
</tr>
</tbody>
</table>

Proposed Constitutional Amendment No. 1
(Referred to the People by the General Assembly)
(Popular Name)

An amendment to limit the increase in the assessed value of a taxpayer’s real property after a countywide reappraisal and to require a property tax credit.

☑ FOR
☑ AGAINST

Proposed Referred Constitutional Amendment No. 1

Vote to be counted (for candidate *not* stricken):

<table>
<thead>
<tr>
<th>For Attorney General (Vote for one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Lucille Ball</td>
</tr>
<tr>
<td>☐ Jack Benny</td>
</tr>
<tr>
<td>☐ Desi Arnaz</td>
</tr>
<tr>
<td>☑ Lenny Bruce</td>
</tr>
</tbody>
</table>

Vote counted for Lucille Ball

\footnote{A.C.A. § 7-5-603(2)(B)}
5. Any paper ballot with identical marks for more than one (1) candidate or with identical marks both for and against a measure in a contest, clarified by an additional mark or marks that indicate support for a single candidate or support for or against a measure, shall be counted as a vote for the candidate or on the measure with the additional clarifying marks.

**Votes to be counted (for candidate with additional clarifying mark):**

- **For Attorney General**
  - (Vote for one)
  - ✅ Lucille Ball
  - ✅ Jack Benny
  - ✅ Desi Arnaz
  - ✅ Lenny Bruce

  Vote counted for Jack Benny

- **For Attorney General**
  - (Vote for one)
  - ✅ Lucille Ball
  - ✅ Jack Benny
  - ✅ Desi Arnaz
  - ✅ Lenny Bruce

  Vote counted for Lucille Ball

6. Any paper ballot that has any mark in the target area, candidate area or issue area for only one (1) candidate or either for or against a measure, including circling or making a mark through the target area, candidate area, or issue area, provided there is no other similar marking in the contest, shall be counted as a vote for that candidate or on that measure, unless the mark is clearly a negative comment.

**a. Votes to be counted:**

- **For Attorney General**
  - (Vote for one)
  - ○ Lucille Ball
  - ○ Jack Benny
  - ○ Desi Arnaz
  - ○ Lenny Bruce

- **For Attorney General**
  - (Vote for one)
  - ☒ Lucille Ball
  - ○ Jack Benny
  - ○ Desi Arnaz
  - ○ Lenny Bruce

**b. Vote NOT counted:**

- **For Attorney General**
  - (Vote for one)
  - ○ Lucille Ball
  - ○ Jack Benny
  - ○ Desi Arnaz
  - ○ Lenny Bruce
7. Any paper ballot that has a mark in the target area or candidate or issue area for one (1) candidate or either for or against a measure, which partially extends into one (1) or more other target areas or candidate or issue areas shall be counted as a vote for the candidate or on the measure so marked, only if it is readily apparent that most of the mark is in that candidate or issue area or target area.

VOTES TO BE COUNTED:

For Attorney General
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

For Attorney General
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

8. Any paper ballot that has a mark in the target area or candidate or issue areas for one (1) candidate or either for or against a measure and on which marks in other target areas or candidate or issue areas have been partially erased, scratched out, or otherwise removed shall be counted as a vote for the candidate or on the measure for which the mark was not erased, scratched out, or otherwise removed.

VOTES TO BE COUNTED:

For Attorney General
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

For Attorney General
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

9. Any paper ballot in which writings or remarks appear to be ranking the candidates (letters, numbers) shall be counted as a vote for the top ranked candidate.

VOTE TO BE COUNTED FOR JACK BENNY IN ALL CASES:

For Attorney General
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

For Attorney General
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

For Attorney General
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce
10. Any paper ballot with positive or negative writings or remarks regarding one (1) or more candidates or for and/or against a measure, shall not be counted as a vote in that contest, unless clarified by an additional mark or marks that indicate support for a single candidate or support either for or against the measure.

Votes NOT counted:

<table>
<thead>
<tr>
<th>For Attorney General</th>
<th>For Attorney General</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Vote for one)</td>
<td>(Vote for one)</td>
</tr>
<tr>
<td>Lucille Ball</td>
<td>Lucille Ball</td>
</tr>
<tr>
<td>Jack Benny</td>
<td>Jack Benny</td>
</tr>
<tr>
<td>Desi Arnaz</td>
<td>Desi Arnaz</td>
</tr>
<tr>
<td>Lenny Bruce</td>
<td>Lenny Bruce</td>
</tr>
</tbody>
</table>

Votes to be counted:

<table>
<thead>
<tr>
<th>For Attorney General</th>
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<tr>
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<tr>
<td>Jack Benny</td>
<td>Jack Benny</td>
</tr>
<tr>
<td>Desi Arnaz</td>
<td>Desi Arnaz</td>
</tr>
<tr>
<td>Lenny Bruce</td>
<td>Lenny Bruce</td>
</tr>
</tbody>
</table>

Vote counted for Lucille Ball

Vote counted for Desi Arnaz
11. Any paper ballot on which the voter casts a vote on the ballot and writes in a different, qualified candidate in the write-in area shall be considered an over-vote for that contest and neither vote shall be counted.

**Vote NOT counted:**

```
For Attorney General
(Vote for one)

☐ Lucille Ball
☐ Jack Benny
☒ Desi Arnaz
☒ **Lenny Bruce**
```

12. A write-in vote is not counted unless the name of the write-in candidates shall have been hand-written on the paper ballot.¹³

13. A write-in vote is not counted unless the name written on the paper ballot is the same name listed on the write-in candidate’s political practices pledge. Any abbreviation, misspelling, or other minor variation in the hand-written form of the name of a qualified write-in candidate must be disregarded if the intention of the voter can be reasonably determined.¹⁴

14. If a paper ballot is left at a voting booth or anywhere else in the polling site without being inserted by the voter into the ballot box before departing the polling site, a poll worker shall write “Abandoned” on the ballot and place it into an “Abandoned Ballot” envelope with a notation on the outside of the envelope of the circumstances surrounding the abandoned ballot. The ballot shall not be counted.¹⁵

15. If a paper ballot that is fed by a voter into an electronic vote tabulating device is rejected by the device but is in the receiving part of the counter, and the voter has departed the polling site without instructing a poll worker to cancel or replace the ballot, then two (2) poll workers shall override warnings and complete the process of casting the ballot. The poll workers shall document the time they completed the process of casting the ballot, the name of the voter, the names of the poll workers completing the process, and all other circumstances surrounding the abandoned ballot.¹⁶

¹³ A.C.A. § 7-5-205(4)
¹⁴ A.C.A. § 7-5-205(4)
¹⁵ A.C.A. § 7-5-309(g)
¹⁶ A.C.A. § 7-5-309(h)
§ 302 Direct Recording Electronic Voting Machine

Voting machines are constructed to notify a voter when more than the maximum allowable number of selections in any one (1) contest are made, thus preventing the voter from over-voting any contest on the ballot. Voting machines can be programmed to alert the voter of any under-voted contest.\(^{17}\)

If a voter fails to complete the process of casting an electronic ballot on a voting machine and departs the polling site without notifying a poll worker of his or her desire to cancel the ballot prior to departing, two (2) poll workers shall take action to complete the process of casting the ballot. The poll workers must document the time, the name of the voter, if known, the names of the poll workers completing the process of casting the ballot, and all other circumstances surrounding the abandoned ballot.\(^{18}\)

\(^{17}\) A.C.A. § 7-5-504(9)
\(^{18}\) A.C.A. § 7-5-522(d)
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RULES ON POLL WATCHERS, VOTE CHALLENGES, AND PROVISIONAL VOTING
(Effective April 22, 2006; Revised November 8, 2013)
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Scope of Rules

These rules set forth the procedures for poll watchers, challenging votes, and for issuing, processing, and counting provisional ballots. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

§ 900 Definitions

(a) Absentee Ballot Processing Site – a place designated by the county board of election commissioners in the courthouse where election clerks for absentee ballots meet on election day for the purpose of processing absentee ballots.¹

(b) Additional Identification Requirement – documentary identification in addition to proof of identity that certain first-time voters who register by mail must show to cast a regular ballot during early voting or at the polls on election day. Acceptable identification documents include 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.²

(c) Administrator - the administrative head of a long-term care or residential care facility licensed by the state.

(d) Ballot Style – a ballot’s combination of contests and issues to be voted upon that is unique to each precinct or part of a precinct.

(e) Challenged Ballot Form – the applicable portions of a “provisional voter envelope” (see Attachment “A”) that are completed when a poll watcher challenges a voter, identifying the voter whose vote was challenged, the poll watcher, the reason for the challenge, the applicable provisional voter number from the list of provisional voters (see Attachment “B”), poll, precinct, ballot style, and the date and time of the challenge under the signature of both the poll watcher and the challenged voter.

(f) Counting Site – a location selected by the county board of election commissioners with respect to all elections for the processing and/or counting of votes.³

(g) County Board of Election Commissioners – the three-member board in each of the 75 counties in this State responsible for conducting all elections within their respective county, including two members elected by the county committee of the majority party and one member elected by the county committee of the minority party or persons appointed by the state chair of either the majority or minority parties to fill a vacancy in that party’s position.⁴

(h) Documentation from the Administrator – a letter on facility letterhead, dated and signed by the administrator which specifically identifies the full name of the resident in the body of the letter

¹ A.C.A. §§ 7-5-414(a); 7-5-416(a)(1)
² A.C.A § 7-5-201(e) as amended by Act 595 of 2013
³ A.C.A. § 7-1-101
⁴ A.C.A. § 7-4-102(a), as amended by Act 1056 of 2011

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and is valid for one year after the date it is signed and issued. The letter issued by the administrator 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.  

(i) Election Clerk – for the purpose of these rules, a person possessing the same qualifications as a poll worker who is designated by the county board of election commissioners to process, count, and canvass absentee ballots under the supervision of the county board.

(j) Election Official – a person who is a member of the county board of election commissioners or a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff.

(k) Eligibility Affirmation – a written affirmation executed by a provisional voter in the presence of the poll worker at the poll stating that he or she is a registered voter in the precinct in which he or she desires to vote and is eligible to vote in that election (see Attachment “A”).

(l) First-time Voter Registered by Mail – any registered voter, except those exempted by Arkansas Code Annotated § 7-5-201(d)(2), who has not previously voted in a federal election in the state and whose registration application arrived at the county clerk’s office or Secretary of State’s office by mail. “First-time voters registered by mail” who do not provide identification when registering are flagged by the county clerk for an additional identification requirement. “First-time voters registered by mail” who provided a valid driver’s license number or the last four (4) digits of their social security number on their voter registration application form are considered as having provided identification if a state or local election official can match the driver’s license or social security number with an existing state identification record bearing the same number, name and date of birth as provided in the registration. Registration applications arriving in bulk by means other than the mail at the registrar’s office or delivered by leaders of voter registration drives are considered to have been delivered in person, not by mail, and are, therefore, not considered “first-time voters registered by mail” and not flagged by the county clerk for the additional identification requirement.

(m) Polling Site – a location selected by the county board of election commissioners where votes are cast.

(n) Poll Watcher – any authorized representative of a candidate, any authorized representative of a group seeking passage or defeat of a measure on the ballot, and any authorized representative of a political party with a candidate on the ballot who is present at a polling site or an absentee ballot processing site to observe and ascertain the identity of persons presenting themselves to vote at the polls or to observe and ascertain the identity of absentee voters for the purpose of challenging any voter in person or for the purpose of challenging any absentee vote. A candidate may be present at an absentee ballot processing site to observe and ascertain the identity of absentee voters for the purpose of challenging any absentee vote. A candidate or an authorized

5 A.C.A. § 7-5-201(d)(2) as amended by Act 595 of 2013 and §16.0 of the Arkansas Secretary of State’s Rules on Voter Identification
6 A.C.A. § 7-5-414
7 A.C.A. § 7-1-101
8 A.C.A. § 7-5-308(a)(2)
9 A.C.A. §§ 7-1-101; 7-5-201(d)
10 A.C.A. § 7-1-101
representative of a candidate or political party may also be present at all counting sites for the purpose of witnessing the counting of ballots by election officials. A candidate may be present in person during early voting only for the purpose of observing whether or not votes are fairly and accurately cast.\textsuperscript{11}

(o) Poll Watcher Authorization Form – an affidavit, in the form specified by law, designating and authorizing a poll watcher. The “poll watcher authorization form” must be filed with the county clerk and a file-marked copy presented to an election official immediately upon entering the polling site, absentee ballot processing site, or counting site. Candidates in person at early voting, attending a counting site or an absentee ballot processing site must present identification, but are not required to present a Poll Watcher Authorization Form (see Attachment “C”).\textsuperscript{12}

(p) Poll Worker – an election official designated by the county board of election commissioners to be an election clerk, election judge or election sheriff at a polling site.

(q) Precinct – the geographical boundary lines dividing a county, municipality, township, or school district for voting purposes.\textsuperscript{13}

(r) Precinct Voter Registration List – a computerized list provided by the county clerk and used by poll workers in each polling place for every election conducted in the state indicating the name and date of the election; identifying the precinct’s number and county in which located; and containing the name, address, and date of birth of each registered voter, including those who have been designated inactive, within the precinct with a space for each voter’s signature.\textsuperscript{14} In any precinct with more than one (1) ballot style, the precinct voter registration list must also identify the district, sub-district, county, municipality, ward, and school zone in which each voter is qualified to vote.\textsuperscript{15}

(s) Proof of Identity:

(1) A voter identification card issued by the county clerk pursuant to Act 595 of 2013 OR
(2) A document or identification card that meets all of the following conditions:
   (a) Shows the name of the person to whom the document was issued;
   (b) Shows a photograph of the person to whom the document was issued;
   (c) Is issued by the United States, the State of Arkansas, or an accredited postsecondary educational institution in the State of Arkansas; and
   (d) If displaying an expiration date, the document or card is not expired or expired no more than four (4) years before the date of the election in which the person seeks to vote.
(3) Documents or Identification cards that comply with the above requirements for proof of identity may include, without limitation, the following:
   (a) A driver’s license;
   (b) A photo identification card;
   (c) A concealed handgun carry license;

\textsuperscript{11} A.C.A. §§ 7-5-312; 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527(b); 7-5-615(a)
\textsuperscript{12} A.C.A. § 7-5-312(d),(e)
\textsuperscript{13} A.C.A. § 7-1-101
\textsuperscript{14} A.C.A. § 7-5-107
\textsuperscript{15} A.C.A. § 7-5-110
(d) A United States passport;
(e) An employee badge or identification document;
(f) A United States Military identification document;
(g) A student identification card issued by an accredited postsecondary educational institution in the State of Arkansas;
(h) A public assistance identification card; and
(i) A voter identification card as provided under Act 595 of 2013 and rules propounded by the Secretary of State.

(t) Provisional Ballot—a ballot cast and/or considered by special procedures to record a vote when there is some question concerning a voter’s eligibility or compliance with certain statutory requirements. Provisional ballots are counted upon verification of a voter’s eligibility or compliance with those statutory requirements.

(u) Provisional Voter Envelope—an envelope used by poll watchers for voter challenges and by poll workers for voter qualification issues containing information relating to provisional voters, including a provisional voter’s eligibility affirmation, the reason for voting provisional, the ballot style voted, the county clerk’s certification of the provisional voter’s registration status, and the disposition of the provisional ballot upon review by the county board of election commissioners. A “provisional voter envelope” shall have printed on it all the information sought by Attachment “A”.

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16 A.C.A. § 7-1-101 as amended by Act 595 of 2013
17 A.C.A. §§ 7-1-101; 7-5-304(c); 7-5-305(a)(B)(ii); 7-5-306(b); 7-5-308; 7-5-312(h); 7-5-412(b); 7-5-416(b)(1)(F)(ii); 7-5-417(a); 7-5-418(d); 7-5-321(c) as provided in Act 595 of 2013
§ 901 Documentary Voter Identification – Proof of Identity

A. Failure to Provide

A person voting at the polls during early voting or on election day who did not present proof of identity, or, if a resident of a long-term care or residential care facility licensed by the state, who did not provide either proof of identity or documentation from the administrator of the facility attesting that the person is a resident of the facility, shall be offered a provisional ballot.\(^\text{18}\)

B. Additional Identification Requirement

A first-time voter voting at the polls during early voting or on election day who registered by mail and who was flagged on the Precinct Voter Registration List for compliance with the additional identification requirement for such first-time voters shall be offered a provisional ballot.\(^\text{19}\)

C. Absentee Voters

The absentee ballot of a first-time voter whose name is flagged on the precinct voter registration list for additional identification and who does not submit with the absentee ballot a copy of 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 shall be considered as a provisional ballot.\(^\text{20}\)

§ 902 Precinct Voter Registration List

A. Voter’s Name Missing

When a voter provides his or her name, address, and date of birth to a poll worker, and the voter’s name is not on the precinct voter registration list, the poll worker must:

1) Contact the county clerk’s office to verify the voter’s registration status, and
2) Allow the voter to cast a REGULAR ballot (if the county clerk informs the poll worker that the voter is listed as a registered voter of the precinct),\(^\text{21}\) or
3) Allow the voter to cast a REGULAR ballot (if the county clerk informs the poll worker that the voter transferred his or her registration from another county not later than four (4) days before the election and that the voter is at the correct poll in the new county of registration),\(^\text{22}\) or
4) Send the voter to his or her correct polling site where the voter may cast a REGULAR ballot (if the county clerk informs the poll worker that the voter is listed as a registered voter at a different precinct in the county), or

\(^\text{18}\) A.C.A. § 7-5-321 as provided in Act 595 of 2013
\(^\text{19}\) A.C.A. § 7-5-201(e) as amended by act 595 of 2013
\(^\text{20}\) A.C.A. § 7-5-201(e) as amended by act 595 of 2013
\(^\text{21}\) A.C.A. § 7-5-306(a)
\(^\text{22}\) Amend. 51, §10 of the Arkansas Constitution
5) Allow the voter to cast a **PROVISIONAL** ballot at the disputed polling site (if the county clerk informs the poll worker that the voter is listed as a registered voter at a different precinct in the county, but the voter insists that he or she is at the correct polling site), or

6) Allow the voter to cast a **PROVISIONAL** ballot (if the county clerk is unable to verify the voter’s registration, but the voter contends that he or she is both registered in the precinct in which he or she desires to vote and is eligible to vote).  

B. “Voted Absentee” Notation

Upon delivery of an absentee ballot to an individual authorized to receive an absentee ballot, the county clerk shall mark the electronic voter registration record and the precinct voter registration list to indicate that an absentee ballot has been delivered to the voter under the procedures in this section. Any person to whom an absentee ballot is delivered according to the precinct voter registration list, but who chooses to vote by early voting or to vote at his or her polling site on election day, shall be permitted to cast a provisional ballot at the poll.

§ 903 Poll Watcher Challenges

A. Official Recognition/Credentials

Poll watchers representing a candidate, group, or political party must file a “poll watcher authorization form” (see Attachment “C”) with the county clerk of the county in which the polling site, absentee ballot processing site, or counting site is located and present a file-marked copy of the valid form to the election officials immediately upon entering the polling site, absentee ballot processing site, and/or counting site.

A candidate may not be present in person at the polls on election day as a poll watcher. A candidate may be present in person as a poll watcher during the counting and tabulation of ballots and the processing of absentee ballots.

A candidate may be present in person at early voting locations only for the purpose of observing whether or not votes are fairly and accurately cast, but a candidate may not challenge voters as a poll watcher during early voting and may speak only to a designated poll worker. A candidate who is present in person at an early voting location for the purpose of observing may not speak to voters or disrupt the orderly conduct of the election. A candidate who is a public official and who is present in person at an early voting location for the purpose of observing shall not wear on his or her person any uniform, badge, or other apparel or equipment that identifies the candidate as a public official.

A candidate who is present in person at an early voting location for the purpose of observing or during the counting and tabulation of ballots and the processing of absentee ballots as a poll watcher.

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23 A.C.A. §§ 7-5-306(b); 7-5-418(d)
24 A.C.A. § 7-5-409(g)
25 A.C.A. §§ 7-5-201(e); 7-5-305(a)(11); 7-5-411(b)
26 A.C.A. § 7-5-312(d)
27 A.C.A. § 7-5-312(a)(1),(e)
28 A.C.A. § 7-5-413(d)
is not required to present a “poll watcher authorization form”, but must present some form of identification to an election official immediately upon entering the site.

Only one (1) authorized poll watcher per candidate, group, or party at any one (1) time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials and at each location within the absentee ballot processing site where absentee ballots are processed.  

Only one (1) authorized poll watcher per candidate or party at any one (1) time may be officially recognized as a poll watcher at the counting of ballots at the polling site, central counting location, or absentee ballot counting location.

Poll watcher rights and responsibilities must be posted in plain view at each polling site, absentee ballot processing site, and counting site.

B. Challenges

Authorized poll watchers who are officially recognized at a polling site may stand close enough to the place where voters check in to vote so as to hear the voter’s name and may challenge an ineligible voter upon notifying a poll worker of the challenge before the voter signs the precinct voter registration list and upon completing a “challenged ballot form” (see Attachment “A”).

A poll watcher may challenge a voter only on the grounds that the voter is not eligible to vote in the precinct or that the voter has already voted in the election.

When election clerks appointed by the county election commission to process, count, and canvass absentee ballots read the name and voting precinct of an absentee voter, any qualified poll watcher may challenge the vote in the same manner provided by law for personal voting challenges, and the election clerks must consider the absentee ballot as a provisional ballot.

§ 904 Court-Ordered Extension

A person who votes in an election as a result of a federal or state court order or any other order extending the time established for closing the polls may vote in the election only by casting a provisional ballot. The provisional ballots cast as a result of the order must be separated and held apart from other provisional ballots cast by provisional voters not affected by the order.

29 A.C.A. § 7-5-312(b),(e)
30 A.C.A. § 7-5-312(c),(e)
31 A.C.A. § 7-5-312(f)
32 A.C.A. § 7-5-312(e),(g),(h)
33 A.C.A. § 7-5-312(g)
34 A.C.A. §§ 7-5-414; 7-5-417(a)
35 A.C.A. § 7-5-304(c)
§ 905 Voting a Provisional Ballot

Provisional ballots cast at the polls during early voting or on election day shall be handled as follows:

1) If as a result of a poll watcher challenge, the poll watcher must notify a poll worker of the challenge before the voter signs the precinct voter registration list and must complete a “challenged ballot form” (See Attachment “A”), and a poll worker must inform the voter that his or her ballot is being challenged.\(^{36}\)

2) If as a result of failure to meet an identification requirement, a poll worker must inform the voter of the reason the voter is not allowed to cast a regular ballot.

3) The provisional voter must execute a written eligibility affirmation in the presence of the poll worker stating that he or she is both a registered voter in the precinct in which he or she desires to vote and eligible to vote in the election.\(^{37}\)

4) The poll worker shall initial the back of the ballot, remove the ballot stub from the provisional ballot, and place the stub in the stub box provided.\(^{38}\)

5) The provisional voter shall mark his or her ballot.\(^{39}\)

6) The provisional voter shall place his or her voted ballot in a ballot secrecy envelope marked “PROVISIONAL BALLOT” and seal the envelope (nothing else goes in this envelope).\(^{40}\)

7) The provisional voter shall then place the sealed ballot secrecy envelope marked “Provisional Ballot,” containing his or her voted provisional ballot in a “provisional voter envelope”, seal it, and give it to the poll worker.\(^{41}\)

8) The poll worker must provide the provisional voter a copy of the notice prescribed in §906 (a).\(^{42}\)

9) The poll worker must make and retain a separate list of the names and addresses of all persons casting a provisional ballot (see Attachment “B”).\(^{43}\)

10) The poll worker must preserve, secure, and separate all provisional ballots from the remaining ballots and forward all sealed “provisional voter envelopes” in a secured container provided for that purpose to the county board of election commissioners after the polls close.

11) The county board of election commissioners will forward in a secured container the sealed “provisional voter envelopes” to the county clerk’s office for completion of the certification portion of the envelope.

12) Upon completion of the certification portion of the envelope, the county clerk returns the secured container of sealed “provisional voter envelopes” to the county board for determination before certification of the election results as to whether the provisional ballots are valid and should be counted.\(^{45}\)

For absentee ballots which become a provisional ballot, the absentee ballot clerk shall place the absentee ballot materials in a provisional voter envelope and state the reason for making the absentee ballot provisional on the form provided on the provisional ballot envelope (Attachment “A”).

\(^{36}\) A.C.A. §§ 7-5-308(a)(1); 7-5-312(e),(h)
\(^{37}\) A.C.A. § 7-5-308(a)(2)
\(^{38}\) A.C.A. § 7-5-308(a)(3)
\(^{39}\) A.C.A. § 7-5-308(a)(4)
\(^{40}\) A.C.A. § 7-5-308(a)(5)
\(^{41}\) A.C.A. § 7-5-308(a)(6)
\(^{42}\) A.C.A. § 7-5-308(a)(7)
\(^{43}\) A.C.A. § 7-5-308(a)(8)
\(^{44}\) A.C.A. § 7-5-308(b)
\(^{45}\) A.C.A. §§ 7-5-308(d)(1); 7-5-417(c)
§ 906 Notice to Provisional Voters

(a) Whenever a person casts a provisional ballot at the polls during early voting or on election day, the poll worker must provide the voter a copy of a 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. 46
- 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.

(b) The system that the Secretary of State has established for provisional voters to be notified whether their ballot was counted requires written notice mailed first class to the provisional voter by the county board of election commissioners. Sample notices may be obtained from the Secretary of State’s office. The notice shall include the following:

- A statement whether the provisional ballot was counted or was not counted;
- If the provisional ballot was preliminarily determined to be invalid, the reason the ballot was not counted; and
- The date, time, and address of a hearing by the county board regarding the voter’s eligibility to vote in the election.

(c) Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot. 47

§ 907 Review of Provisional Ballots

The county board of election commissioners shall determine whether provisional ballots are valid before certifying the election. 48

The county board shall examine the sealed outer “provisional voter envelope” (see Attachment “A”), including the challenged ballot portion, if any, the eligibility affirmation of the provisional voter, and the county clerk’s certification of the provisional voter’s registration status without unsealing the outer “provisional voter envelope” or removing or opening the inner ballot secrecy envelopes marked “PROVISIONAL BALLOT” containing the provisional voter’s voted ballot.

Based upon the examination of the sealed outer “provisional voter envelope” and any additional information available, the county board shall make a determination of whether the provisional ballot

46 A.C.A. § 7-5-308(c)
47 A.C.A. § 7-5-308(c)(3)
48 A.C.A. § 7-5-308(d)(1)
was cast by an eligible voter and was the correct ballot for the precinct of the voter’s residence according to the precinct listed on the voter’s eligibility affirmation.\(^{49}\)

The county board must complete the disposition portion of the “provisional voter envelope” and notify each provisional voter by first class mail as to whether or not his or her provisional ballot was counted.

If the county board makes a preliminary determination that the provisional ballot will not be counted, the county board must notify the provisional voter of the reason for rejecting the provisional voter’s ballot and of the date, time, and place for a hearing and other information as provided in these rules before a final determination is made.\(^{50}\)

When the information on the outer “provisional voter envelope” indicates that the voter cast a provisional ballot for both failure to present proof of identity and another reason, the county board shall first determine whether the voter is eligible to vote in the precinct. If it is determined that the voter who cast a provisional ballot for failure to provide proof of identity and for another reason is eligible to vote, or if the provisional ballot was cast only for the reason that the voter failed to present proof of identity, then the county board shall count the ballot if proof of identity or an affidavit of indigence or religious objection has been provided to the county board or the county clerk by noon of the first Monday following the election.

When reviewing the provisional ballot of a first-time voter who registered by mail and did not meet the additional identification requirement when registering or voting, the county board should not base its preliminary determination of whether or not to count the ballot solely on the provisional voter’s failure to meet the additional identification requirement. The provisional ballot should be rejected only if the voter failed to provide proof of identity and there is a determination, independent of the failure to meet the additional identification requirement, that the person who voted is not eligible to vote in the precinct.

When reviewing the provisional ballot of any person who was delivered an absentee ballot according to the precinct voter registration list, but then chose to cast a provisional ballot at an early voting or election day polling site, the county board shall:

1) Count the voter’s absentee ballot rather than the provisional ballot cast at the polling site, if the absentee ballot was returned and processed for counting on election day before the time of counting provisional ballots, or

2) Count the voter’s provisional ballot cast at the polling site, if the voter’s absentee ballot was not returned or was not processed for counting on election day by the time of counting provisional ballots.

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\(^{49}\) A.C.A. § 7-5-308(d)(2)

\(^{50}\) Dotson v. Richey, 211 Ark. 789 (1947)
§ 908 Hearing

Provisional voters shall be allowed to appear before the county board to contest the county board’s preliminary decision to disqualify their ballots and to present evidence that they were registered to vote and voted the correct ballot for the precinct of their residence or, if applicable, that they presented proof of identity during early voting, on election day or by noon of the first Monday after the election.

If these provisional voters do not appear for a hearing or otherwise provide satisfactory evidence of their registration status or proof of identity, then the ballot shall not be counted.

The commission then completes the election commission’s portion of the list of provisional voters form (see Attachment “B”), and all records are preserved in accordance with the laws governing preservation of ballots and election materials.

The process of hearing and final decision must be completed by the deadline to certify the election results.

§ 909 Counting Provisional Ballots

Unless enjoined by a court of competent jurisdiction, a provisional ballot shall be counted if:

1) It is cast by a registered voter and is the correct ballot for the precinct of the voter’s residence according to the precinct listed on the voter’s eligibility affirmation;

2) It is cast by a registered voter who failed to present proof of identity at a polling place during early voting or on election day but who presents proof of identity or an affidavit of indigence or religious objection to having his or her photograph made to the county clerk or the county board no later than the first Monday following the election; or

3) It is an absentee ballot and the county board determines that the voter is eligible to vote in the precinct. 51

In counting provisional ballots, the county board must ensure the secrecy of the ballot pursuant to Amendment 81 of the Arkansas Constitution.

Provisional ballots are counted as follows:

1) the commission completes the election commission’s portion of the list of provisional voters form (see Attachment “B”),

2) an election official opens the outer “provisional voter envelope” (see Attachment “A”) for those on the list marked to be counted (see Attachment “B”),

3) the election official removes the sealed inner ballot secrecy envelope marked “PROVISIONAL BALLOT” containing the provisional voter’s voted ballot,

4) the election official places the sealed inner ballot secrecy envelope marked “PROVISIONAL BALLOT” containing the provisional voter’s voted ballot in a ballot box provided for that purpose,

5) when all the outer “provisional voter envelopes” have been opened and all the sealed inner ballot secrecy envelopes placed in the ballot box, the election official shakes the ballot box thoroughly to mix the sealed envelopes containing the provisional ballots,

51 A.C.A. § 7-5-308(d)(2); 7-5-312(c) as provided in Act 595 of 2013
6) the ballot box is then opened, the secrecy envelopes containing the voted provisional ballot opened, and the provisional ballots canvassed and counted, and

7) all records are preserved in accordance with the laws governing preservation of ballots and election materials.

§ 910 Prosecuting Attorney

Following each election, the county board of election commissioners may review the precinct voter registration lists for voters not providing identification at the polls and forward the information to the prosecuting attorney for investigation of possible voter fraud.52

If, upon examination of any provisional ballot, the county board suspects that a violation of election laws has occurred, the county board may refer the matter to the prosecuting attorney for that county.53

§ 911 Preliminary and Unofficial Results

The processing and counting of provisional ballots, including hearings, shall not delay the declaration of preliminary and unofficial results required by Arkansas Code Annotated § 7-5-701. When reporting preliminary and unofficial results, the county board of election commissioners should also report the number of uncounted provisional ballots pending review and the number of outstanding overseas absentee ballots.

§ 912 Official Certified Results

The official certified results of the election shall include the votes cast on all provisional ballots that were determined by the county board of election commissioners to be valid.

52 A.C.A. § 7-5-305(a)(8)(B)(iii), (iv)
53 A.C.A. § 7-5-308(e)
Attachment “A”

PROVISIONAL VOTER ENVELOPE

Provisional Voter Number: __________ Date: ____________________ Time: __________
Poll Name: ______________________ Precinct #: __________ Ballot Style: __________

CHALLENGED BALLOT FORM
(To be completed when a poll watcher challenges a voter)

Name of Voter Challenged: ____________________________________________________
Name of Poll Watcher: _______________________________________________________
Entity Represented: ___________________________________________________________
(Name of candidate, group or party the poll watcher represents from the Poll Watcher Affidavit)
Reason for Challenge: _________________________________________________________
Signature of Poll Watcher: ____________________________________________________
Signature of Challenged Voter: ________________________________________________

PROVISIONAL VOTER ELIGIBILITY AFFIRMATION
(To be completed on voter qualification issues)

Voter’s Name: ____________________ Prior Name: __________________
Current Street Address: ______________ Prior Street Address: ______________
City, State, Zip: ____________________ Prior City, State, Zip: __________________
Phone Number(s): __________________________________________________________
Date of Birth: ______________ Provided Identification: Yes ☐ No ☐

I, _____________________________, hereby affirm that the information provided is true
and accurate and that to the best of my knowledge I am a registered voter in this precinct and
am eligible to vote in this election.

I understand that the County Board of Election Commissioners will count my ballot only upon
verification of my voter registration status or, if applicable, presentation of proof of identity or
an affidavit of indigence or religious objection.

Witnessed by:

Reason for Voting Provisional
(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

Ballot Style
(To be completed by a poll worker)

Ballot Style ______ given to the provisional voter based upon the voter’s affirmation of eligibility
for this jurisdiction.

Signature of Poll Worker

Signature of Poll Worker
CERTIFICATION
(To be completed by the County Clerk’s Office)

County: _________________________________

A. PROVISIONAL VOTER

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<th>No Match</th>
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Name: ______________________________________

Prior Name: __________________________________

Current Address: _____________________________

Prior Address: ________________________________

Date of Birth: _______________________________

I, _________________________________, hereby certify that a data search was performed
(printed name of County Clerk or Deputy)
on the foregoing information in an effort to verify the voter registration status for the
individual voting this provisional ballot and hereby confirm that the voter is registered in
_____________________________________________________________ in _____________.

(Name of County)                                                                          (Precinct Number)

____________________________________

Signature of County Clerk or Deputy

I, _________________________________, hereby certify that a data search was performed
(printed name of County Clerk or Deputy)
on the foregoing information in an effort to verify the voter registration status for the
individual voting this provisional ballot, but was unable to confirm the provisional voter’s
registration status.

____________________________________

Signature of County Clerk or Deputy

DISPOSITION OF PROVISIONAL BALLOT
(To be completed by the County Board of Election Commissioners)

Yes No

Provisional Ballot Counted, if not, Reason Not Counted: ________________________________

Provisional Voter Notified by First Class Mail Date: ____________________________

County Election Commissioner County Election Commissioner County Election Commissioner
(At least one Election Commissioner must sign.)
LIST OF PROVISIONAL VOTERS

Arkansas Code Annotated § 7-5-308 requires poll workers to make a list of the names and addresses of all persons voting a provisional ballot and requires county election commissions to determine the validity of each provisional ballot prior to certification of the election.

Date of Election: ________________________  Poll Name: ____________________________

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<tr>
<th>No.</th>
<th>Voter’s Name</th>
<th>Voter’s Address</th>
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Commissioner Signature  Commissioner Signature  Commissioner Signature
POLL WATCHER AUTHORIZATION FORM

Representative of a Candidate
I, _____________________________, state that I am a candidate for the office of _____________________________ in the _____________________________ election. I further state that I have designated _____________________________ as my authorized representative at the election at polling sites _____________________________ and absentee ballot processing sites _____________________________ in County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at _____________________________ in County, Arkansas for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

Representative of a Group
I, _____________________________, state that I represent the _____________________________ group which is seeking passage/defeat (circle one) of the ballot measure entitled _____________________________ on the ballot in the _____________________________ election at polling sites _____________________________ and absentee ballot processing sites _____________________________ in County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416 and 7-5-417.

Representative of a Party
I, _____________________________, state that I am the chair or secretary of the state/county (circle one) committee for the _____________________________ party with candidates on the ballot in the _____________________________ election. I further state that I have designated _____________________________ as an authorized party representative at the election at polling sites _____________________________ and absentee ballot processing sites _____________________________ in County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at _____________________________ in County, Arkansas, for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

__________________________
Signature of Candidate, Group Representative, or Chair/Secretary of the State/County Committee
Acknowledged before me this _____ day of _______________________, 20 __.
Notary Public: __________________________________ My Commission Expires: __________
I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

__________________________
Signature of the Poll Watcher
Acknowledged before me this _____ day of _______________________, 20 __.
Notary Public: __________________________________ My Commission Expires: __________
I do hereby acknowledge the filing of this poll watcher authorization form with the county clerk’s office.

__________________________
Signature of County Clerk
POLL WATCHER RIGHTS AND RESPONSIBILITIES

A poll watcher may be:

1. A candidate in person, but only during the counting and tabulation of ballots and the processing of absentee ballots;
2. An authorized representative of a candidate;
3. An authorized representative of a group seeking the passage or defeat of a measure on the ballot; or
4. An authorized representative of a party with a candidate on the ballot.

Official recognition of poll watchers:

1. Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;
2. Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed; and
3. Only one (1) authorized poll watcher per candidate or party at any one (1) given time may be officially recognized as a poll watcher at the counting of the ballots.

Poll watcher credentials:

1. Except for candidates in person, poll watchers must present a valid affidavit in the form of a “Poll Watcher Authorization Form” to an election official immediately upon entering the polling or counting location.
2. Candidates in person attending a counting site or absentee ballot processing site are not required to present a “Poll Watcher Authorization Form” but must present some form of identification to an election official immediately upon entering the site for the purpose of confirming the poll watcher as a candidate on the ballot.

Poll watchers may:

1. Observe the election officials;
2. Stand close enough to the place where voters check in to vote so as to hear the voter’s name;
3. Compile lists of persons voting;
4. Challenge ballots upon notification to an election official before the voter signs the precinct voter registration list and upon completing a “Challenged Ballot Form”;
5. Call to the attention of the election sheriff any occurrence believed to be an irregularity or violation of election law. The poll watcher may not discuss the occurrence unless the election sheriff invites the discussion; and
6. Be present at the opening, processing, and canvassing of absentee ballots for the purpose of challenging absentee votes in the manner provided by law for personal voting challenges.

Poll watchers representing a candidate or political party may:

1. Remain at the polling site after the poll closes if ballots are counted at the poll;
2. Be present at the counting of votes by hand or by an electronic vote tabulating device at a central location;
3. Be present at the counting of absentee ballots for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted; and
4. Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted.

Poll watchers may not:

1. Be within six feet (6’) of any voting machine or booth used by voters to cast their ballot;
2. Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100’) of the primary exterior entrance used by voters to the building containing the polling site; or
3. Disrupt the orderly conduct of the election.
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RULES
FOR
VOTER IDENTIFICATION
(Effective January 1, 2014)

State Board of Election Commissioners
501 Woodlane, Suite 401N
Little Rock, AR  72201
(501) 682-1834 or (800) 411-6996
www.arkansas.gov/sbec
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Scope of Rules

These rules will set forth the procedures for processing and administering voter identification requirements. These rules are in addition to and not a substitute for the laws of the State of Arkansas and rules promulgated by the Secretary of State.

§800 Definitions

(a) Additional Identification Requirement – documentary identification in addition to proof of identity that certain first-time voters who register by mail must show to cast a regular ballot during early voting or at the polls on election day. Acceptable identification documents include a copy of 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.¹

(b) Administrator - the administrative head of a long-term care or residential care facility licensed by the state.

(c) Proof of Identity:
   (1) A voter identification card issued by the county clerk pursuant to Act 595 of 2013; OR
   (2) A document or identification card that meets all of the following conditions:
       (a) Shows the name of the person to whom the document was issued;
       (b) Shows a photograph of the person to whom the document was issued;
       (c) Is issued by the United States, the State of Arkansas, or an accredited postsecondary educational institution in the State of Arkansas; and
       (d) If displaying an expiration date, the document or card is not expired or expired no more than four (4) years before the date of the election in which the person seeks to vote.
   (3) Documents or Identification cards that comply with the above requirements for proof of identity may include, without limitation, the following:
       (a) A driver’s license;
       (b) A photo identification card;
       (c) A concealed handgun carry license;
       (d) A United States passport;
       (e) An employee badge or identification document;
       (f) A United States Military identification document;
       (g) A student identification card issued by an accredited postsecondary educational institution in the State of Arkansas;

¹ A.C.A. § 7-5-201(e) as amended by Act 595 of 2013
RULES FOR VOTER IDENTIFICATION

(h) A public assistance identification card; and
(i) A voter identification card as provided under Act 595 of 2013 and rules propounded by the Secretary of State²

(c) Documentation from the Administrator – a letter on facility letterhead, dated and signed by the administrator which specifically identifies the full name of the resident in the body of the letter and is valid for one year after the date it is signed and issued. The letter issued by the administrator 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.³

§ 801 Proof of Identity Required When Voting at the Polls

All voters except those who reside in a long-term care or residential care facility licensed by the state must present “proof of identity” to cast a regular ballot at the polls during early voting and on election day.

A person who resides in a long-term care or residential care facility licensed by the state may instead provide documentation from the administrator of the facility attesting that the person is a resident of the facility in lieu of the requirement to present proof of identity before voting⁴.

§ 802 Poll Worker Assessment of Validity of Proof of Identity

The proof of identity shall be used to verify the name and appearance of the voter, except that when a voter presents a voter identification card issued by the county clerk pursuant to Act 595 of 2013, the card shall also be used to verify the voter’s identification number. The Precinct Voter Registration List shall be used to verify the address of the voter by comparing the voter’s address in the list to the address stated by the voter.

The poll worker to whom proof of identity is presented shall:

(1) Verify that the name on the proof of identity is consistent with the name in the Precinct Voter registration list, allowing for abbreviations and nicknames;
(2) If the voter presents a voter identification card issued by the county clerk pursuant to Act 595 of 2013 and rules propounded by the Secretary of State, verify that the registrant identification number on the card is the same as the registrant identification number on the Precinct Voter Registration List.

² A.C.A. § 7-1-101 as amended by Act 595 of 2013
³ A.C.A. § 7-5-201(d)(2) as amended by Act 595 of 2013 and §16.0 of the Arkansas Secretary of State’s Rules on Voter Identification
⁴ A.C.A § 7-5-201(d) as amended by Act 595 of 2013
(3) 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;

(4) 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;

(5) 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

(6) 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.

§ 803 Additional Identification 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 proof of identity in order to vote at the polls during early voting or on election day. 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.\(^5\)

§ 804 Failure to Present Proof of Identity or Other Required Documentation at the Polls

A person voting at the polls during early voting or on election day who did not present proof of identity, or, if a resident of a long-term care or residential care facility licensed by the state, who did not provide either proof of identity or documentation from the administrator of the facility attesting that the person is a resident of the facility, shall be offered a provisional ballot.\(^6\)

\(^5\) A.C.A. § 7-5-201 (e) as amended by Act 595 of 2013

\(^6\) A.C.A. § 7-5-321 as amended by Act 595 of 2013
A first-time voter who registered by mail who did not present the additional identification, if required under §803, shall be offered a provisional ballot.⁷

§ 805 Postelection Submission of Proof of Identity or Affidavit of Indigence or Religious Objection

A provisional ballot cast because a voter failed to present proof of identity when voting at the polls during early voting or on election day shall be counted and included in the certified results of the election if:

(1) The voter’s ballot is not successfully challenged for any other reason; and
(2) The voter provides to either the county clerk or the county board of election commissioners by noon on the Monday following the election either the voter’s proof of identity or an affidavit that the voter cannot provide proof of identity because of indigence or a religious objection to being photographed.

The voter may provide his or her proof of identity or his or her affidavit of indigence or religious objection to the county board by presenting the proof of identity or the affidavit at any meeting of the county board held before noon on the Monday following the election.

The voter may provide his or her proof of identity or his or her affidavit of indigence or religious objection to the county clerk by presenting the proof of identity or the affidavit to the county clerk before noon on the Monday following the election.

The voter shall present the proof of identity or deliver the affidavit of indigence or religious objection in person.⁸

§ 806 Assessment of Validity of Proof of Identity Submitted Postelection

The county clerk or county board shall 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.

The county clerk or the county board receiving a proof of identity shall make a photocopy of the proof of identity 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:

⁷ A.C.A. § 7-5-305(a)(8)(B)(iii)
⁸ A.C.A. § 7-5-321(c) as provided in Act 595 of 2013
(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.\(^9\)

§ 807 Postelection Submission of Affidavit of Indigence or Religious Objection

The county clerk or county board receiving an affidavit of indigence or religious objection shall 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.\(^{10}\)

\(^9\)A.C.A. § 7-5-321(c) as provided in Act 595 of 2013

\(^{10}\)A.C.A § 7-5-321(c) as provided in Act 595 of 2013
§808 County Clerk to Provide Voter’s Proof of Identity or Affidavit to Election Commission

The county clerk who receives proof of identity or an affidavit of indigence or religious objection shall provide the copy of the voter’s proof of identity or the original affidavit and a copy of the voter’s receipt to the county board.\(^\text{11}\)

§809 Vote Counted When Proof of Identity or Affidavit Properly Submitted

The county board shall count the vote and include it in the certified returns upon receipt of a copy of a voter’s valid and timely delivered proof of identity or affidavit of indigence or religious objection.\(^\text{12}\)

§810 Identification Required When Voting Absentee

In order for an absentee ballot to be counted, the absentee voter must submit with the ballot a copy of 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.\(^\text{13}\)

Military and merchant marine voters and their spouses and dependents who are away from the county because of the active duty status of a military or merchant marine member are exempt from the identification requirement for absentee ballots.\(^\text{14}\)

A resident of a long-term or residential care facility licensed by the State of Arkansas is not required to provide Proof of Identity before voting. In lieu of the Proof of Identity, a resident is required to provide documentation from the administrator of the facility attesting that the person is a resident of the facility.

The letter issued by the administrator 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.\(^\text{15}\)

§811 Effective Date

These Rules are effective beginning January 1, 2014.\(^\text{16}\)

\(^\text{11}\) A.C.A § 7-5-321(c) as provided in Act 595 of 2013
\(^\text{12}\) A.C.A. § 7-5-321(c) as provided in Act 595 of 2013
\(^\text{13}\) A.C.A. § 7-5-201(d)(1)(B) as amended by Act 595 of 2013
\(^\text{14}\) A.C.A. § 7-5-201(d)(1)(B) as amended by Act 595 of 2013
\(^\text{15}\) Arkansas Secretary of State’s Rules on Voter Identification §16.0
\(^\text{16}\) A.C.A. § Act 595 of 2013, Section 7
RULES
FOR
APPOINTMENT OF
CERTIFIED ELECTION MONITORS
(Effective November 8, 2013)

STATE BOARD OF ELECTION COMMISSIONERS
501 Woodlane, Suite 401N
Little Rock, AR 72201
(501) 682-1834 or (800) 411-6996
www.arkansas.gov/sbec
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Scope of Rules

Pursuant to Arkansas Code Annotated § 7-4-101, the State Board of Election Commissioners (State Board) has the duty to appoint at least one certified election monitor from each congressional district and the authority to appoint a monitor to any county upon a signed, written request under oath filed with the State Board and a determination by the State Board that appointing a monitor is necessary. Certified election monitors serve as observers and report to the State Board on the conduct of the election. The State Board may allow for reasonable compensation of certified election monitors assigned to a county by the State Board.¹

These rules set forth the procedures for appointing, certifying and compensating certified election monitors, and set out the duties of monitors. These rules are in addition to and not a substitute for the laws of the state of Arkansas.

§ 1001 Requests for Monitors

Any person alleging a violation of any election law under the investigative jurisdiction of the State Board may request appointment of a certified election monitor.

The request for appointment of a certified election monitor must be in writing and signed under oath by the requestor (see Attachment “A” for a sample format of a request for appointment of a certified election monitor).

The request must clearly state the specific alleged election irregularities or illegalities, when and where the alleged activity occurred, and provide any supporting facts surrounding the allegations.

All requests for monitors received within seven (7) calendar days of the beginning date for early voting or election day, will be processed only if exceptional circumstances are shown that prevented an earlier filing of the request with the State Board.

§ 1002 Processing Requests for Monitors

Upon receipt by the State Board of a request for appointment of a certified election monitor, the Director shall determine if the request meets all requirements as set forth in § 1001.

If the request does not meet all requirements set forth in § 1001, the Requestor will be advised of such in writing.

If the Director determines that the request meets all requirements set forth in § 1001, the request for appointment of a certified election monitor will be fulfilled based upon the availability of certified election monitors and upon approval by the State Board.

¹ A.C.A. § 7-4-101(f)(6) as amended by Act 1456 of 2013
§ 1003 Qualifications of Election Monitors

Election monitors certified and appointed by the State Board shall be qualified electors of this state, able to read and write the English language, and shall not have been found guilty or pled guilty or nolo contendere to the violation of any election law of this state. No election monitor shall be a paid employee of any political party, a paid employee of any person running for any office, married to or related within the second degree of consanguinity to any candidate running for office in the current election, related by marriage to any candidate running for office in the current election or a candidate for any office to be filled at any election while serving as a monitor.

However, the Director may waive the qualifications that an election monitor may not be married to or related within the second degree of consanguinity to any candidate running for office in the current election, or related by marriage to any candidate running for office in the current election if the Director makes a determination in writing that the disqualifying person is not on the ballot in the county to be monitored and that there are no other factors relating to the relationship that would affect the election monitor’s ability to fairly and accurately observe and report on the election in an impartial manner.

§ 1004 Certification of Election Monitors

No person may serve as an election monitor without prior training, approval, and certification by the State Board. The executed “Authorization to Serve as a Certified Election Monitor for the State Board of Election Commissioners” form (Attachment “B”) must be presented to the chief election official at the polling or counting location and shall serve as confirmation of certification by the State Board.

The Director shall determine the dates and times of training and the types of training that election monitors must complete.

§ 1005 Duties of Election Monitors

Certified election monitors shall:
- Maintain strict impartiality in the conduct of duties and at no time express any bias or preference in relation to parties, candidates, or any issues in the election process,
- Undertake duties in an unobtrusive manner and not interfere with the election process, polling day procedures, or the vote count,
- Carry documentation prescribed and issued by the Director and present documentation to any election official or law enforcement officer upon request,
- Not display or wear any partisan symbols, colors, or banners,
- Base all observations on well documented, factual, and verifiable evidence,
- Refrain from making any comments about observations to the media or any other interested persons and limit all remarks to general information about the nature of the activity as an observer, and
- Prepare a post-election report for submission to the State Board in a form prescribed by the Director.
§1006 Compensation and Expense Reimbursement

Each certified election monitor shall receive for the services listed herein under “Duties of Election Monitors” the sum of not more than one hundred dollars ($100.00) per day, plus travel reimbursement at the rate prescribed for state employees in state travel regulations. No other compensation may be paid.

Reimbursement for mileage, meals, and/or overnight lodging may be paid only with advance approval of the director and in accordance with rules for reimbursement for state employees promulgated by the Department of Finance and Administration.
REQUEST
FOR APPOINTMENT OF A
CERTIFIED ELECTION MONITOR

STATE OF ARKANSAS
COUNTY OF _______________

I, ________________________________, the undersigned, hereby request that a monitor be sent to observe the administration of the election to be held on the ___ day of ________________ in ________________ County, Arkansas for the following reasons (attach additional sheets if needed and enclose any supporting documentation or relevant evidence):

DECLARATION

I, ________________________________, hereby declare under penalty of perjury this ____ day of __________ that the foregoing statements, comments, and information contained herein are true and correct to the best of my knowledge.

Signature of Requestor: ________________________________________

Home Address: _______________________________________________    Day Phone: ____________ ( Street, City, State, Zip)

Remit to: State Board of Election Commissioners
          501 Woodlane, Suite 401N
          Little Rock, Arkansas 72201
          (501) 682-1834    (800) 411-6996

Page 6 of 7
Attachment “B”

AUTHORIZATION TO SERVE AS A CERTIFIED ELECTION MONITOR FOR THE STATE BOARD OF ELECTION COMMISSIONERS

This is to certify that ________________________________ is a certified election monitor representing the State Board of Election Commissioners pursuant to Arkansas Code Annotated § 7-4-101 in the ________________________________ Election held ___________, 2__ for the purpose of serving as an observer and reporting to the State Board on the conduct of the election at the ________________________________ polling/counting location in ________________ County, Arkansas.

__________________________________________  __________________
Signature of the Director       Date
State Board of Election Commissioners

I have been provided, read, and agree to comply with the State Board of Election Commissioners’ Rules for Appointment of Certified Election Monitors.

__________________________________________  __________________
Signature of Certified Election Monitor    Date

Authorized by:   State Board of Election Commissioners
501 Woodlane, Suite 401N
Little Rock, Arkansas 72201
(501) 682-1834   (800) 411-6996

Page 7 of 7
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County Election Commissioner Compensation for Training Attendance

Arkansas Code Annotated § 7-4-109 requires that each member of the county boards of election commissioners attend election training conducted by the State Board of Election Commissioners before each preferential primary election held in May.

Each county election commissioner attending the training is eligible to receive $100, plus mileage reimbursement at the rate established for state employees by state travel regulations.

Election commissioner training compensation will be paid by the State Board to the County Treasurer upon receipt from the county of the attached reporting form approved and provided by the State Board to the county.

FOR ADDITIONAL INFORMATION SEE
THE STATE BOARD OF ELECTION COMMISSIONERS' RULES FOR COUNTY ELECTION COMMISSIONERS TRAINING
COUNTY ELECTION COMMISSIONERS TRAINING COMPENSATION REQUEST FORM

COUNTY: ________________________________

COMPENSATION FOR ATTENDING COMMISSIONERS TRAINING CONDUCTED BY THE STATE BOARD OF ELECTION COMMISSIONERS

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<th>NAMES OF COMMISSIONERS</th>
<th>DATE ATTENDED TRAINING</th>
<th>Flat Rate of $100.00</th>
<th>MILEAGE (if applicable)</th>
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TOTAL

RETURN TO:
State Board of Election Commissioners
501 Woodlane, Suite 401N
Little Rock, AR 72201
501-682-1834  800-411-6996
GUIDELINES FOR STATE-FUNDED COMPENSATION
FOR
STATE BOARD-CERTIFIED TRAINERS
(Effective December 17, 2003; Revised September 21, 2011)

STATE BOARD OF ELECTION COMMISSIONERS
501 Woodlane, Suite 401N
Little Rock, Arkansas 72201
(501) 682-1834
(800) 411-6996
Internet: www.arkansas.gov/sbec
Email: INFO.SBEC@sos.arkansas.gov
State Board-Certified Trainer Compensation

Each county board of election commissioners must designate two (2) qualified electors of the county to attend training conducted by the State Board of Election Commissioners for the purpose of being certified by the State Board as poll worker trainers for the county.

Upon successful completion of training and certification by the State Board, a maximum of two (2) certified trainers per county are eligible to receive $100 each, plus mileage reimbursement at the rate established for state employees by state travel regulations.

Compensation for State Board-Certified Trainers Conducting Training in the County

Arkansas Code Annotated § 7-4-109 requires that each county board of election commissioners designate a minimum of two (2) poll workers per polling site to attend election training conducted locally by State Board-certified trainers and coordinated by the State Board.

The two (2) certified trainers per county are eligible to receive an additional $50 each per training session up to a maximum of two (2) sessions each for conducting poll worker training locally before the preferential primary election.

Certified trainers' compensation will be paid by the State Board to the County Treasurer upon receipt of the attached reporting form approved and provided by the State Board to the county.

FOR ADDITIONAL INFORMATION SEE THE STATE BOARD OF ELECTION COMMISSIONERS' RULES FOR POLL WORKER TRAINING
STATE BOARD-CERTIFIED TRAINERS COMPENSATION
REQUEST FORM

COUNTY: ____________________________________________

COMPENSATION FOR ATTENDING AND CONDUCTING TRAINING

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<th>DATE ATTEND TRAINING BY STATE BOARD</th>
<th>DATES CONDUCTED POLL WORKER TRAINING LOCALLY</th>
<th>COMPENSATION FOR ATTENDING TRAINING CONDUCTED BY THE STATE BOARD OF ELECTION COMMISSIONERS</th>
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<td>$100.00</td>
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<td>$0.42</td>
</tr>
</tbody>
</table>

* Maximum of two (2) local poll worker training sessions per trainer per county

RETURN TO:
State Board of Election Commissioners
501 Woodlane, Suite 401N
Little Rock, AR 72201
501-682-1834  800-411-6996
GUIDELINES
FOR
BALLOT
NAME CERTIFICATION
(Effective March 31, 2000; Revised December 4, 2013)
GUIDELINES
FOR
BALLOT NAME CERTIFICATION

The following guidelines have been developed by the office of the State Board of Election Commissioners for the purpose of certifying the names and titles proposed to be used by candidates filing for office.

Arkansas Code Annotated § 7-7-305. Printing of ballots - Form.
(c)(1)(A) "Any person who shall file for any elective office in this state may use not more than three (3) given names, one (1) of which may be a nickname or any other word used for the purpose of identifying the person to the voters, and may add as a prefix to his or her name the title or an abbreviation of an elective public office the person currently holds.
(B) A person may only use as the prefix the title of a judicial office in an election for a judgeship if the person is currently serving in a judicial position to which the person has been elected.
(C) A nickname shall not include a professional or honorary title.
(2) The names and titles as proposed to be used by each candidate on the political practice pledge or, if the political practice pledge is not filed by the filing deadline, then the names and titles that appear on the party certificate shall be reviewed no later than one (1) business day after the filing deadline by the Secretary of State for state and district offices and by the county board of election commissioners for county, township, school, and municipal offices.
(3)(A) The name of every candidate shall be printed on the ballot in the form as certified by either the Secretary of State or the county board.
(B) However, the county board of election commissioners may substitute an abbreviated title if the ballot lacks space for the title requested by a candidate.
(C) The county board of election commissioners shall immediately notify a candidate whose requested title is abbreviated by the county board of election commissioners.
(4) A candidate shall not be permitted to change the form in which his or her name will be printed on the ballot after the deadline for filing the political practices pledge."

Definition of "name" as referenced in Black's Law Dictionary:
"A person's 'name' consists of one or more Christian or given names and one surname or family name. It is the distinctive characterization in words by which one is known and distinguished from others, and description, or abbreviation, is not the equivalent of a 'name'."
A candidate is permitted to use:

- **A maximum of three (3) "given" names**
  1) One name may be a nickname, but not a professional or honorary title
  2) A "middle" name shall be considered a "given" name

- **Initials**
  Initials are not considered "given" names and, therefore, **not** counted in the maximum of three (3) "given" names

- **Surname or Last name**
  Surnames or last names are not considered "given" names and, therefore, **not** counted in the maximum of three (3) "given" names

- **A Suffix**
  Suffixes (Jr., Sr., I, II, III) are not considered "given" names and, therefore, **not** counted in the maximum of three (3) "given" names

- **A Prefix**
  The title or an abbreviation of the title of an elective public office **currently held**, for instance
  1) County Judge or Co. Judge

A candidate is not permitted to use:

- **Professional or honorary titles**
  Professional or honorary titles (Ph.D., CPA, MD., Doctor, Dr., Reverend, Rev., Chief of Police, General, Lieutenant, Sergeant) are **not** acceptable

The county election commission must review the names and titles proposed to be used by each county, township, school, and municipal candidate for compliance with the statutory requirements of Arkansas Code Annotated § 7-7-305. The election commission must make a final determination on the form in which the candidate’s name will appear on the ballot no later than one business day after the filing deadline.

For those candidates whose proposed name and title on the political practices pledge do **not** comply with the statutory requirements, the candidate should be contacted and offered the option to file a revised political practices pledge form.

A candidate is not permitted to change the form in which his or her name will be printed on the ballot after the deadline for filing the political practices pledge.
COMMISSION CHECKLIST
FOR
COMBINED MAY PREFERENTIAL PRIMARY
AND
NONPARTISAN GENERAL ELECTIONS
(Effective May 18, 2004; Revised October 23, 2013)

This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to the Preferential Primary and Nonpartisan General Elections.

1. _____ Held a public meeting to determine by lot the order in which the names of candidates would appear on the ballots
   a)_____ by the deadline of not later than seventy-two (72) days before the election
   b)_____ gave at least ten (10) days written notice to the chairs of the county committees, if the chairs are not members of the board.
   c)_____ published notice of the meeting at least three (3) days before the meeting in some newspaper of general circulation in the county [§7-7-305(b)]

2. _____ Altered the boundaries of existing election precincts and established new ones by order
   a)_____ at least thirty-one (61) days before the election
   b)_____ recorded the board’s order with the county clerk [§7-5-101]
   c)_____ county clerk submits written, printed, and digital copies of the changes to the Secretary of State and the Arkansas Geographical Information Office [§7-5-101(c)(1)]

3. _____ Designated a polling site for each election precinct at least thirty-one (31) days before the election in a public meeting by unanimous vote of the members present [§7-5-101]
   a)_____ provided polls accessible to voters with disabilities [§7-5-311(a)]
   b)_____ posted notice of any changes in polling sites at all previous polling sites used in the last election [§7-5-101(d)(3)]
   c)_____ established common polling sites for the joint conduct of the election [§7-7-201(d)(b)]

4. _____ Held early voting at additional polling sites outside the county clerk’s office [§7-5-418(b)(1)(A)]
   a)_____ determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [§7-5-418(b)(1)(B)]
   b)_____ notified the county clerk of the board’s decision within ten (10) days of its decision [§7-5-418(b)(3)(A)]

5. _____ Provided absentee ballots and “special runoff ballots” for qualified electors temporarily residing outside the U. S.
   a)_____ delivered the ballots to the county clerk at least forty-seven (47) days before the election [§§ 7-5-211(c); 7-5-406(c); 7-5-407(a)(1)]
6. ____ Prepared paper ballots and voting machine ballot styles as provided by law under A.C.A. §§ 7-3-104, 7-5-207, 7-5-208, 7-5-406, 7-5-601, 7-5-610, 7-7-304, 7-7-305, 7-7-306, 7-8-302, and 7-10-102
   a)____ certified the printed ballots and voting machine ballot styles before delivery to the county clerk for absentee voting [§7-5-512(a)]

7. ____ Prepared voting machines upon the proper certification of candidates and questions [§7-5-515(a)]
   a)____ published notice of the time and place of the voting machine preparation [§7-5-516]

8. ____ Appointed election officials at least twenty (20) days before the election [§ 7-4-107(b)(1)]
   a)____ selected and appointed a sufficient number of poll workers for each polling site [§§7-4-107(b)(1); 7-7-302]
   b)____ selected and appointed minority party poll workers for each poll as provided by law [§7-4-107(b)(2)]
   c)____ appointed poll workers to adequately staff additional off-site early voting polling sites under the election commission’s supervision [§7-5-418(b)(2)]
   d)____ appointed absentee election clerks to process, count, and canvass absentee ballots [§7-5-414(a)]
   e)____ confirmed that all poll workers have attended poll worker training [§7-4-107(b)(2)]

9. ____ Published in a newspaper of general circulation in the county, public notice of the date of the election, the places and times for early voting, hours of voting on election day, polling sites, candidates and offices to be elected, and the time and location of opening, processing, canvassing, and counting ballots
   a)____ by the deadline of at least twenty (20) days before the election [§7-5-202(a)]
   b)____ published a second publication at least five (5) days before the election [§7-5-202(b)]

10. ____ Delivered at least one (1) voting machine equipped for use by individuals with disabilities to the county clerk’s designated early voting location and all off-site early voting polling locations by the deadline of at least sixteen (16) days before the election [§§7-5-413(a)(1); 7-5-418(a)(1)(A)]

11. ____ Posted in a public place in the county clerk’s office, the list of appointed election officials, including the names of election commissioners at least fifteen (15) days before the election [§7-5-202(b)(2)]

12. ____ Tested and secured voting systems:
   a)____ Held public testing of voting machines and electronic vote tabulating devices at least seven (7) days before early voting begins for the election [§§7-5-515(c)(1); 7-5-611(a)(2)]
   b)____ gave public notice of the time and place of the test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or
devices at least forty-eight (48) hours before testing [§§ 7-5-515(c)(2); 7-5-611(a)(3)]

c)____ ensured that paper ballot systems that include electronic vote tabulating
device(s) were programmed to reject overvoted ballots [§7-5-604(a)(5)(B), (6)(B)]

d)____ certified the accuracy of the voting system and filed the test results with the
county clerk [§§7-5-515(e); 7-5-611(a)(8)]

e)____ after preparation, testing, and examination, secured the voting machines against
further voting [§7-5-517(a)]

f)____ placed voting machine activation devices in a sealed package labeled with the
serial number of the voting machine, the precinct location of the voting machine
and the number registered on the protective counter [§7-5-517(b)]

g)____ certified by machine serial number, the number registered on the protective
counter of each voting machine and that all contest counters registered ZERO in
the presence of the candidates or their representative, if in attendance [§7-5-
517(c)]

h)____ secured voting machine activation devices until released for delivery to poll
workers [§7-5-517(d)]

13. ____ Developed a voter education program to inform voters about the consequences of
overvoting if using paper ballots to be counted by hand or at a central counting location
[§7-5- 604(a)(5)(C), (6)(C)]

14. ____ At least one (1) day before the election, delivered ballots and supplies to persons
designated by the commission to deliver to poll workers [§7-5-211(a)]

a)____ provided sufficient quantities of ballots, voting booths, and voting machines for
each polling site [§§7-5-309(a); 7-5-512(c); 7-5-602]

b)____ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d)],
including a poll workers’ certificate to use on election day to record the exact
time and number of votes shown on the public counters and to attest that voting
machines were made inaccessible to voting at the official time for closing the
polls and upon terminating of the voting by removing the activation devices
[§7-5-526]

15. ____ Received all election materials and returns from the poll workers immediately after
the polls closed [§7-5-317(b)]

a)____ provided poll workers with a receipt for delivery of the sealed package
containing the voting machine activation devices and certified return records [§7-
5-527(e)]

b)____ delivered ballot stubs to the county treasurer

16. ____ Reported the initial count of early and absentee votes to the Secretary of State no later
than 30 minutes after the polls closed [§ 7-5-416(a)(5)(B)]

17. ____ Declared preliminary and unofficial results of the election (including a statement of the
number of outstanding absentee ballots of overseas voters) immediately after the
count of the votes was completed on election day and reported the results to the
county clerk for immediate transmission to the Secretary of State via the internet
18. **Before certification of the results of the election,**
   a) ____ reviewed and determined the validity of all provisional ballots [§§ 7-5-308(d)(1); 7-5-417(c); 7-7-308(a)]
   b) ____ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [§7-5-308(c)(1), Rule 906 on Poll Watchers, Vote Challenges, and Provisional Voting]
   c) ____ counted all overseas absentee ballots that were properly executed and received by the county clerk by 5:00 p.m. ten (10) calendar days after the election REGARDLESS of whether they would change the outcome of the election [§7-5-411(a)(1)(B)]
   d) ____ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled countywide totals from the polling locations’ certified return records [§7-5-529]
   e) ____ produced an audit log for each voting machine used in the election [§7-5-530(a)]

19. ____ Certified the official election results via the internet to the Secretary of State and by mail to the county clerk by the deadline of **no earlier than forty-eight (48) hours and no later than the tenth day after the election** [§§ 7-5-707(a); 7-7-203(e)(1); 7-7-309]

20. ____ Mailed to the Secretary of State certified copies of the abstract of the returns of the election
   a) ____ by the deadline of **no earlier than forty-eight (48) hours and no later than the tenth day after the election** [§§ 7-7-203(e)(1); 7-7-309]
   b) ____ filed a certificate detailing the result of the election with the county clerk [§7-5-701(b)]

21. **After certification:**
   a) ____ cleared the voting machines for future elections [§7-5-531(b)(2)]
   b) ____ secured all voting machines, audit logs, and voter-verified paper audit trails [§7-5-531]
   c) ____ preserved all ballots, certificates, and election materials according to Ark. Code Ann. §§ 7-5-531 and 7-5-702
22. RECOUNT (if applicable):
   a)____ Conducted a recount upon a motion of the county board of election commissioners [§7-5-319(b)]

   b)____ Received a petition for recount from a candidate by the deadline of:
      1. ____ no later than two (2) days after the county board declared preliminary and unofficial results, if the number of outstanding overseas absentee ballots was insufficient to change the results of the election [§7-5-319(a)(2)]
      2. ____ before the county board certified the results of the election, if the number of outstanding overseas absentee ballots was sufficient to potentially change the results of the election [§7-5-319(a)(3)]
      3. ____ notified all candidates whose election could be affected by the outcome of the recount within forty-eight (48) hours after receipt of the petition for recount [§7-5-319(i)]
      4. ____ provided the candidate requesting the recount a copy of the test results on the voting machines and the electronic vote tabulating device(s) performed under A.C.A. §§ 7-5-515 and 7-5-611 [§7-5-319(b)]

   c)____ Opened the package containing the paper ballots and recounted the paper ballots
      1. ____ in the same manner as the initial count [§7-5-319(d)]
      2. ____ in a manner different than the initial count [§7-5-319(d)]
      3. ____ if direct-recording electronic voting machines were used, recounted the ballots using the voter verified paper audit trail as the official ballot [§7-5-319(c)]
         A. _____ manually added the total votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
         B. _____ counted by hand the votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
         C. _____ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR
         D. _____ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement
      4. ____ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law [§§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702]
      5. ____ certified the results of the last recount [§7-5-319(b)]
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COMMISSION CHECKLIST
FOR
NOVEMBER GENERAL ELECTIONS
(Effective May 18, 2004; Revised October 23, 2013)

This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to the General Election.

1. _____ Held a public meeting to determine by lot the order in which the names of candidates would appear on the ballots
   a) _____ by the deadline of not later than seventy-two (72) days before the election
   b) _____ published notice of the meeting at least three (3) days before the meeting in some newspaper of general circulation in the county [§7-5-207(c)]

2. _____ Altered the boundaries of existing election precincts and established new ones by order
   a) _____ at least (61) days before the election
   b) _____ recorded the board’s orders with the county clerk [§7-5-101]
   c) _____ county clerk submits written, printed, and digital copies of the map and boundaries to the Secretary of State and Arkansas Geographical Information Office [§7-5-101(c)(1)]

3. _____ Designated a polling site for each election precinct at least thirty-one (31) days before the election in a public meeting by unanimous vote of the members present [§7-5-101]
   a) _____ provided polls accessible to voters with disabilities [§7-5-311(a)]
   b) _____ posted notice of any changes in polling sites at all previous polling sites used in the last election [§7-5-101(d)(3)]

4. _____ Held early voting at additional polling sites outside the county clerk’s office [§7-5-418(b)(1)(A)]
   a) _____ determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [§7-5-418(b)(1)(B)]
   b) _____ notified the county clerk of the board’s decision within ten (10) days of its decision [§7-5-418(b)(3)(A)]

5. _____ Provided absentee ballots and “special runoff ballots” for qualified electors temporarily residing outside the U. S.
   a) _____ delivered the ballots to the county clerk at least forty-seven (47) days before the election [§§7-5-211(c); 7-5-406(c); 7-5-407(a)]

6. _____ Met to elect one member of the county board to serve as chair of the commission at least thirty (30) days before the election [§7-4-105(a)]
7. ____ Prepared paper ballots and voting machine ballot styles as provided by law under A.C.A. §§ 7-3-104, 7-5-207, 7-5-208, 7-5-406, 7-5-601, 7-5-610, 7-8-302, 7-9-117, 7-10-102, and 14-14-917
   a) ____ certified the printed ballots and voting machine ballot styles before delivery to the county clerk for absentee voting [§7-5-512(a)]

8. ____ Prepared voting machines upon the proper certification of candidates and questions [§7-5-515(a)]
   a) ____ published notice of the time and place of the voting machine preparation [§7-5-516]

9. ____ Appointed election officials at least twenty (20) days before the election [§ 7-4-107(b)(1)]
   a) ____ selected and appointed a sufficient number of poll workers for each polling site [§7-4-107(b)(1)]
   b) ____ selected and appointed minority party poll workers for each poll as provided by law [§7-4-107(b)(2)]
   c) ____ appointed poll workers to adequately staff additional off-site early voting polling sites under the election commission’s supervision [§7-5-418(b)(2)]
   d) ____ appointed absentee election clerks to process, count, and canvass absentee ballots [§7-5-414(a)]
   e) ____ confirmed that all poll workers have attended poll worker training [§7-4-107(b)(2)]

10. ____ Published in a newspaper of general circulation in the county, public notice of the date of the election, the places and times for early voting, hours of voting on election day, polling sites, candidates and offices to be elected, and the time and location of opening, processing, canvassing, and counting ballots
   a) ____ by the deadline of at least twenty (20) days before the election [§7-5-202(a)]
   b) ____ published a second publication at least five (5) days before the election [§7-5-202(b)]

11. ____ Delivered at least one (1) voting machine equipped for use by individuals with disabilities to the county clerk’s designated early voting location and all off-site early voting polling locations by the deadline of at least sixteen (16) days before the election [§§7-5-413(a)(1); 7-5-418(a)(1)(A)]

12. ____ Posted in a public place in the county clerk’s office, the list of appointed election officials, including the names of election commissioners at least fifteen (15) days before the election [§7-5-202(b)(2)]

13. ____ Posted a list at the door of the courthouse of all nominations, proposed amendments to the constitution, and all questions to be submitted to the electors at the election at least ten (10) days before the election [§7-5-206]

14. ____ Tested and secured voting systems:
   a) ____ Held public testing of voting machines and electronic vote tabulating devices at least seven (7) days before early voting begins for the election [§§7-5-515(c)(1); 7-5-611(a)(2)]
b)___ gave public notice of the time and place of the test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or devices at least forty-eight (48) hours before testing [§§ 7-5-515(c)(2); 7-5-611(a)(3)]

c)___ ensured that paper ballot systems that include electronic vote tabulating device(s) were programmed to reject overvoted ballots [§7-5-604(a)(5)(B), (6)(B)]

d)___ certified the accuracy of the voting system and filed the test results with the county clerk [§§7-5-515(e); 7-5-611(a)(8)]

e)___ after preparation, testing, and examination, secured the voting machines against further voting [§7-5-517(a)]

15. ____ Developed a voter education program to inform voters about the consequences of overvoting if using paper ballots to be counted by hand or at a central counting location [§7-5-604(a)(5)(C), (6)(C)]

16. ____ At least one (1) day before the election, delivered ballots and supplies to persons designated by the commission to deliver to poll workers [§7-5-211(a)]

a)___ provided sufficient quantities of ballots, voting booths, and voting machines for each polling site [§§7-5-309(a); 7-5-512(c); 7-5-602]

b)___ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d); 7-9-114(b)], including a poll workers’ certificate to use on election day to record the exact time and number of votes shown on the public counters and to attest that voting machines were made inaccessible to voting at the official time for closing the polls and upon terminating of the voting by removing the activation devices [§7-5-526]

17. ____ Received all election materials and returns from the poll workers immediately after the polls closed [§7-5-317(b)]

a)___ provided poll workers with a receipt for delivery of the sealed package containing the voting machine activation devices and certified return records [§7-5-527(e)]

b)___ delivered ballot stubs to the county treasurer

18. ____ Reported the initial count of early and absentee votes to the Secretary of State no later than 30 minutes after the polls closed [§ 7-5-416(a)(5)(B)]

19. ____ Declared preliminary and unofficial results of the election (including a statement of the number of outstanding absentee ballots of overseas voters) immediately after the count of the votes was completed on election day and reported the results to the
county clerk for immediate transmission to the Secretary of State via the internet website provided by the Secretary of State [§7-5-701(a)(2)]

20. **Before certification of the results of the election,**
   a) _____ reviewed and determined the validity of all provisional ballots [§§ 7-5-308(d)(1); 7-5-417(c)]
   b) _____ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [§7-5-308(c)(1), Rule 906 on Poll Watchers, Vote Challenges, and Provisional Voting]
   c) _____ counted all overseas absentee ballots that were properly executed and received by the county clerk by 5:00 p.m. ten (10) calendar days after the election REGARDLESS of whether they would change the outcome of the election [§7-5-411(a)(1)(B)]
   d) _____ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled countywide totals from the polling locations’ certified return records [§7-5-529]
   e) _____ produced an audit log for each voting machine used in the election [§7-5-530(a)]

21. _____ Certified the official election results via the internet to the Secretary of State and by mail to the county clerk by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§§7-5-701(a)(1); 7-5-707(a)]

22. ____ Mailed to the Secretary of State certified copies of the abstract of the returns of the election for members of Congress, all executive, legislative and officers and of all votes cast on any measure
   a) _____ by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§§7-5-701(c)(1); 7-9-119(b)]
   b) _____ filed a certificate detailing the result of the election with the county clerk [§7-5-701(b)]

23. **After certification:**
   a) _____ cleared the voting machines for future elections [§7-5-531(b)(2)]
   b) _____ secured all voting machines, audit logs, and voter-verified paper audit trails [§7-5-531]
   c) _____ preserved all ballots, certificates, and election materials according to Ark. Code Ann. §§ 7-5-531 and 7-5-702

24. ____ Delivered a certificate of election **within nineteen (19) days after the election** to the person having the highest number of legal votes for any county office [§7-5-701(a)(3)]
25. **RECOUNT (if applicable):**
   a) ____ Conducted a recount upon a motion of the county board of election commissioners [§7-5-319(b)]

   b) ____ Received a petition for recount from a candidate by the deadline of:
      1. ____ no later than two (2) days after the county board declared preliminary and unofficial results, if the number of outstanding overseas absentee ballots was insufficient to change the results of the election [§7-5-319(a)(2)]
      2. ____ before the county board certified the results of the election, if the number of outstanding overseas absentee ballots was sufficient to potentially change the results of the election [§7-5-319(a)(3)]
      3. ____ notified all candidates whose election could be affected by the outcome of the recount within forty-eight (48) hours after receipt of the petition for recount [§7-5-319(i)]
      4. ____ provided the candidate requesting the recount a copy of the test results on the voting machines and the electronic vote tabulating device(s) performed under A.C.A. §§ 7-5-515 and 7-5-611 [§7-5-319(b)]

   c) ____ Opened the package containing the paper ballots and recounted the paper ballots
      1. ____ in the same manner as the initial count [§7-5-319(d)]
      2. ____ in a manner different than the initial count [§7-5-319(d)]
      3. ____ if direct-recording electronic voting machines were used, recounted the ballots using the voter verified paper audit trail as the official ballot [§7-5-319(c)]
         A. ____ manually added the total votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
         B. ____ counted by hand the votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
         C. ____ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR
         D. ____ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement
      4. ____ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law [§§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702]
      5. ____ certified the results of the last recount [§7-5-319(b)]
This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to a statewide special election.

1. Published the proclamation calling for the statewide special election as soon as practicable in a newspaper of general circulation in the county. [§7-11-202(b)]

2. Altered the boundaries of existing election precincts and established new ones by order
   a) at least (61) days before the election
   b) recorded the board’s order with the county clerk [§7-5-101]
   c) county clerk submits written, printed, and digital copies of the of the map and boundaries to the Secretary of State and Arkansas Geographical Information Office [§7-5-101(c)(1)]

3. Designated a polling site for each election precinct at least thirty-one (31) days before the election
   a) provided polls accessible to voters with disabilities [§7-5-311(a)]
   b) posted notice of any changes in polling sites at all previous polling sites used in the last election [§7-5-101(d)(3)]

4. Held early voting at additional polling sites outside the county clerk’s office [§7-5-418(b)(1)(A)]
   a) determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [§7-5-418(b)(1)(B)]
   b) notified the county clerk of the board’s decision within ten (10) days of its decision [§7-5-418(b)(3)(A)]

5. Provided absentee ballots for qualified electors temporarily residing outside the U. S.
   a) delivered the ballots to the county clerk at least forty-seven (47) days before the election [§§7-5-211(c); 7-5-407(a)]

6. Prepared paper ballots and voting machine ballot styles as provided by law under A.C.A. §§ 7-5-208, 7-5-601, and 7-11-205
   a) certified the printed ballots and voting machine ballot styles before delivery to the county clerk for absentee voting [§7-5-512(a)]

7. Prepared voting machines upon the proper certification of the questions [§7-5-515(a)]
   a) published notice of the time and place of the voting machine preparation [§7-5-516]

8. Appointed election officials at least twenty (20) days before the election [§7-4-107(b)(1)]
   a) selected and appointed a sufficient number of poll workers for each polling site [§7-4-107(b)(1)]
b)____ selected and appointed minority party poll workers for each poll as provided by law [§7-4-107(b)(2)]

c)____ appointed poll workers to adequately staff additional off-site early voting polling sites under the election commission’s supervision [§7-5-418(b)(2)]

d)____ appointed absentee election clerks to process, count, and canvass absentee ballots [§7-5-414(a)]

e)____ confirmed that all poll workers have attended poll worker training [§7-4-107(b)(2)]

9. ____ Published in a newspaper of general circulation in the county, public notice of the date of the election, the places and times for early voting, hours of voting on election day, polling sites, and the time and location of opening, processing, canvassing, and counting ballots
   a)____ by the deadline of at least ten (10) days before the election [§§7-5-202(a); 7-11-303]
   b)____ published a second publication at least five (5) days before the election [§§7-5-202(b); 7-11-303]

10. ____ Delivered at least one (1) voting machine equipped for use by individuals with disabilities to the county clerk’s designated early voting location and all off-site early voting polling locations by the deadline of at least eight (8) days before the election [§§7-5-413(a)(1); 7-5-418(a)(2)]

11. ____ Posted in a public place in the county clerk’s office, the list of appointed election officials, including the names of election commissioners at least fifteen (15) days before the election [§7-5-202(b)(2)]

12. ____ Posted a list at the door of the courthouse of all measures and questions to be submitted to the electors at the election at least ten (10) days before the election [§§7-5-206; 7-11-303]

13. ____ Tested and secured voting systems:
   a)____ Held public testing of voting machines and electronic vote tabulating devices at least seven (7) days before early voting begins for the election [§§7-5-515(c)(1); 7-5-611(a)(2)]
   b)____ gave public notice of the time and place of the test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or devices at least forty-eight (48) hours before testing [§§ 7-5-515(c)(2); 7-5-611(a)(3)]
   c)____ ensured that paper ballot systems that include electronic vote tabulating device(s) were programmed to reject overvoted ballots [§7-5-604(a)(5)(B), (6)(B)]
   d)____ certified the accuracy of the voting system and filed the test results with the county clerk [§§7-5-515(e); 7-5-611(a)(8)]
   e)____ after preparation, testing, and examination, secured the voting machines against further voting [§7-5-517(a)]
   f)____ placed voting machine activation devices in a sealed package labeled with the serial number of the voting machine, the precinct location of the voting machine and the number registered on the protective counter [§7-5-517(b)]
COMMISSION CHECKLIST FOR STATEWIDE SPECIAL ELECTIONS

14.____ Developed a voter education program to inform voters about the consequences of overvoting if using paper ballots to be counted by hand or at a central counting location [§7-5-604(a)(5)(C), (6)(C)]

15.____ At least one (1) day before the election, delivered ballots and supplies to persons designated by the commission to deliver to poll workers [§7-5-211(a)]
   a)____ provided sufficient quantities of ballots, voting booths, and voting machines for each polling site [§§7-5-309(a); 7-5-512(c); 7-5-602]
   b)____ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d); 7-9-114(b)], including a poll workers’ certificate to use on election day to record the exact time and number of votes shown on the public counters and to attest that voting machines were made inaccessible to voting at the official time for closing the polls and upon terminating of the voting by removing the activation devices [§7-5-526]

16.____ Received all election materials and returns from the poll workers immediately after the polls closed [§7-5-317(b)]
   a)____ provided poll workers with a receipt for delivery of the sealed package containing the voting machine activation devices and certified return records [§7-5-527(e)]
   b)____ delivered ballot stubs to the county treasurer

17.____ Reported the initial count of early and absentee votes to the Secretary of State no later than 30 minutes after the polls closed [§ 7-5-416(a)(5)(B)]

18.____ Declared preliminary and unofficial results of the election (including a statement of the number of outstanding absentee ballots of overseas voters) immediately after the count of the votes was completed on election day and reported the results to the county clerk for immediate transmission to the Secretary of State via the internet website provided by the Secretary of State [§7-5-701(a)(2)]

19.____ Before certification of the results of the election,
   a)____ reviewed and determined the validity of all provisional ballots [§§ 7-5-308(d)(1); 7-5-417(c)]
   b)____ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [§7-5-308(c)(1), Rule 906 on Poll Watchers, Vote Challenges, and Provisional Voting]
   c)____ counted all overseas absentee ballots that were properly executed and received by the county clerk by 5:00 p.m. ten (10) calendar days after the election REGARDLESS of whether they would change the outcome of the election [§7-5-411(a)(1)(B)]
d)____ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled countywide totals from the polling locations’ certified return records  

[$\text{§7-5-529}$]

e)____ produced an audit log for each voting machine used in the election  

[$\text{§7-5-530(a)}$]

20. ____ Certified the official election results via the internet to the Secretary of State and by mail to the county clerk by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§§7-5-701(a)(1); 7-5-707(a)]

21. ____ Mailed to the Secretary of State certified copies of the abstract of the returns of the election

a)____ by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§7-9-119(b)]

b)____ filed a certificate detailing the result of the election with the county clerk [§7-5-701(b)]

22. **After certification:**

a)____ cleared the voting machines for future elections [§7-5-531(b)(2)]

b)____ secured all voting machines, audit logs, and voter-verified paper audit trails [§7-5-531]

c)____ preserved all ballots, certificates, and election materials according to Ark. Code Ann. §§ 7-5-531 and 7-5-702

23. **RECOUNT (if applicable):**

a)____ Conducted a recount upon a motion of the county board of election commissioners [§7-5-319(b)]

b)____ Opened the package containing the paper ballots and recounted the paper ballots

1.____ in the same manner as the initial count [§7-5-319(d)]

2.____ in a manner different than the initial count [§7-5-319(d)]

3.____ if direct-recording electronic voting machines were used, recounted the ballots using the voter verified paper audit trail as the official ballot [§7-5-319(c)]

   A. _____ manually added the total votes for each issue involved in the recount from the voter-verified paper audit trail, OR

   B. _____ counted by hand the votes for each issue involved in the recount from the voter-verified paper audit trail, OR

   C. _____ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR

   D. _____ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement

4.____ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law [§§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702]

5.____ certified the results of the last recount [§7-5-319(b)]
Certification of Logic and Accuracy Testing Results

Arkansas Code Annotated § 7-5-515 requires the county boards of election commissioners in each county to test voting machines for each election to determine that the voting system will correctly count the votes cast for all offices and on all measures.

Name of County: ___________________________ Name of the Election: ___________________________

County's State Election Coordinator: ___________________________ Date of the Election: ___________________________

Logic and Accuracy Certification Date: ___________________________ Date Certification Filed with County Clerk: ___________________________

Early Voting

County Clerk to Remit by Fax to:
State of Arkansas
Secretary of State
Attn: State Election Coordinator
State Capitol, Room 26
Little Rock, Arkansas  72201
Phone: 800-482-1127
Fax: 682-3408 OR 682-3548

I certify that the voting machines for the above named election have been properly tested under A.C.A. § 7-5-515 in that:

* a group of test ballots were preaudited to predetermine the number of valid votes for each candidate and each measure,
* one (1) or more of the preaudited test ballots were overvoted for each contest (they contained votes in excess of the number allowed by law),
* the preaudited test ballots were voted on the voting machines,
* the voting machines rejected overvotes,
* the cause of any error detected was determined and corrected, and
* an errorless count was made before approving the voting machine for use in the election.

I further certify that upon completion of testing:

* the ballots and programs used were sealed,
* the ballots and programs used will be retained and disposed of as provide by law, and
* this certification was filed with the county clerk attesting the accuracy of the voting system.

Signatures:

County Election Commission Chair  County Election Commissioner  County Election Commissioner  County Clerk
Arkansas Code Annotated § 7-5-211(a)(2)(B) requires county election commissions to provide poll workers with list of voters forms. Arkansas Code Annotated § 7-5-305(a)(9) requires that before a person is allowed to vote, the voter’s name shall be recorded on the list of voters form.

DO NOT INCLUDE PROVISIONAL VOTERS ON THIS LIST. A separate form is required for provisional voters.

Date: _____________________________            Poll Name: ______________________________
County: ___________________________            Precinct #(s): ____________________________

<table>
<thead>
<tr>
<th>NAME OF VOTER</th>
<th>NAME OF VOTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>16</td>
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<tr>
<td>2</td>
<td>17</td>
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<tr>
<td>3</td>
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<td>15</td>
<td>30</td>
</tr>
</tbody>
</table>

Pursuant to Arkansas Code Annotated § 7-5-314, poll workers shall total the number of voters on the list of voters forms, and the lists shall be certified and attested by the poll workers. **I certify and attest that this list contains the names of registered voters who voted non-provisional ballots at this polling site.**

Signature of Poll Worker
Signature of Poll Worker

Signature of Poll Worker
Signature of Poll Worker

Signature of Poll Worker
Signature of Poll Worker
## RECEIPT OF PROOF OF IDENTITY OR AFFIDAVIT: POSTELECTION

<table>
<thead>
<tr>
<th>Name of County</th>
<th>Type of Proof of Identity or Affidavit Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Voter</td>
<td>Date</td>
</tr>
<tr>
<td></td>
<td>Time</td>
</tr>
<tr>
<td>Name &amp; Title of County Official(s) To Whom Proof of Identity Was Submitted</td>
<td>Location Where Proof of Identity was Submitted</td>
</tr>
</tbody>
</table>

### ADDITIONAL EXPLANATION

<table>
<thead>
<tr>
<th>Description</th>
<th>YES</th>
<th>NO</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>A photocopy of this completed receipt was made and submitted to the voter:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td></td>
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</tr>
<tr>
<td>This completed receipt, along with the original Affidavit of Indigence or Religious Objection, was retained with the voter's provisional ballot envelope:</td>
<td></td>
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</tr>
<tr>
<td>The Proof of Identity was determined to depict the voter:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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: ______________________
LIST OF PROVISIONAL VOTERS

Arkansas Code Annotated § 7-5-308 requires poll workers to make a list of the names and addresses of all persons voting a provisional ballot and requires county election commissions to determine the validity of each provisional ballot prior to certification of the election.

Date of Election: ________________________  Poll Name: ____________________________

<table>
<thead>
<tr>
<th>No.</th>
<th>Voter's Name</th>
<th>Voter's Address</th>
<th>Precinct</th>
<th>Vote counted</th>
<th>If not counted, reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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</table>

_________________________ _________________________ __________________________
Commissioner Signature  Commissioner Signature  Commissioner Signature
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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.

<table>
<thead>
<tr>
<th>Reason for Voting a Provisional Ballot (To be completed by a poll worker)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Poll Watcher Challenge</td>
</tr>
<tr>
<td>☐ No Proof of Identity Provided</td>
</tr>
<tr>
<td>☐ Not on Precinct Voter Registration List</td>
</tr>
<tr>
<td>☐ First-time Voter Flagged to Show</td>
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<tr>
<td>☐ Additional ID (No Additional ID Provided)</td>
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<tr>
<td>☐ Previously Sent Absentee Ballot</td>
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<tr>
<td>☐ Court-ordered Voting Extension</td>
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<tr>
<td>☐ Other ___________________________</td>
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<table>
<thead>
<tr>
<th>County Clerk Contact Information:</th>
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</thead>
<tbody>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Telephone Number:</td>
</tr>
<tr>
<td>Regular Office Hours:</td>
</tr>
</tbody>
</table>

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:  

NOTICE TO PROVISIONAL VOTERS

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<td>Regular Office Hours:</td>
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</table>

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:  

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LIST OF PERSONS ASSISTING VOTERS

Arkansas Code Annotated § 7-5-310(b)(5) requires poll workers at the polling sites to make and maintain a list of the names and addresses of all persons assisting voters.

Date of Election: ____________________  Poll Name: _________________________________

County: ___________________________  Precinct #(s): ______________________________

<table>
<thead>
<tr>
<th>Name of Person Assisting Voter</th>
<th>Address of Person Assisting Voter</th>
<th>Name of Voter Assisted</th>
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<tbody>
<tr>
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</tbody>
</table>
# CHANGE IN POLLING SITE AUTHORIZATION FORM

If the address given by a voter to the poll worker is not the same as the address on the precinct voter registration list, Arkansas Code Annotated §§ 7-5-305 and 7-7-308 requires that the poll worker contact the county clerk’s office to determine the voter’s proper precinct.

If the county clerk’s office confirms that the voter’s address is not within the precinct, the poll worker should complete the information below and give the completed form to the voter, instruct the voter to complete a voter registration application form to update county voter registration record files, and instruct the voter to go to the polling site serving that precinct in order for his or her vote to be counted.

**THE VOTER SHOULD PRESENT THIS COMPLETED FORM TO THE POLL WORKERS AT THE VOTER’S NEW POLLING SITE.**

| Date of Election: ________________________________________________________ |
| Name of Voter: _________________________________________________________ |
| Voter’s Registrant ID: _________________________________________________ |
| (This number will be provided by the County Clerk’s office.) |
| New Polling Site Location: ____________________________________________ |
| (New polling site location will be provided by the County Clerk’s office.) |
| New Polling Precinct Number: __________________________________________ |
| (This number will be provided by the County Clerk’s office.) |
| Ballot Style to be Voted: _____________________________________________ |
| (This number will be provided by the County Clerk’s office.) |
| Authorized By: ________________________________________________________ |
| (Name of the employee with county clerk’s office confirming the voter’s registration.) |
| Referred From: ________________________________________________________ |
| (Name of the poll and the precinct number from which referred.) |
| Referred by Poll Worker: ______________________________________________ |
| (Signature of the poll worker referring the voter to a new polling site.) |
SPOILED BALLOT AFFIDAVIT

Date: ________________  Poll Name: _________________________________

County: _______________  Precinct #(s): ______________________________

Arkansas Code Annotated §§ 7-5-602 and 7-5-609 require that if a voter spoils a ballot, he/she should return the ballot to a poll worker who shall void the spoiled ballot by writing “CANCELLED” on its face and initialing the ballot. The poll worker shall issue the voter a new ballot, not to exceed three (3) in all. The voter must sign this affidavit before voting the new ballot.

I, the undersigned, do solemnly swear or affirm that I spoiled my ballot(s), that I returned the spoiled ballot(s) to a poll worker who canceled the ballot(s) in my presence, and that I received a new ballot.

<table>
<thead>
<tr>
<th>Signature of Voter</th>
<th>Spoiled Ballot Ballot Style Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ________________</td>
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<td>15. ______________</td>
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</tbody>
</table>
Arkansas Code Annotated § 7-5-510 requires county election commissions to provide, to every polling place using a voting machine(s), forms for voters to use in filing a complaint about the function of a voting machine.

Poll workers must forward complaint forms to their county election commission for investigation.

Name of Complainant: ___________________________________________________

Address of Complainant: _________________________________________________

Telephone Number of Complainant: ________________________________________

Complaint: ____________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

Signature of Complainant: ________________________________________________

Voting Machine Identification #:____________

County: _______________________________

Poll Name: ___________________________  Precinct #:_______________________

Date: ________________________________  Time: ____________________________
### ABANDONED BALLOT LOG

**County:**

**Date of Election:**

**Name of Election:**

**Precinct Number(s):**

**Polling Location Name:**

**PAPER BALLOT REJECTED BY SCANNER AND ABANDONED BY VOTER**

According to Arkansas Code Annotated § 7-5-309, if a paper ballot is abandoned in the receiving part of an electronic vote tabulating device by a voter who has left the poll without telling a poll worker to cancel or replace the ballot, two (2) poll workers should override warnings on the scanner, complete the process of casting the ballot, and document the name of the voter, the names of the two (2) poll workers completing the process of casting the ballot, the time, and all circumstances involved. **POLL WORKERS SHOULD NOT CAST PAPER BALLOTS ABANDONED ELSEWHERE IN THE POLL SUCH AS ON THE FLOOR OR IN A VOTING BOOTH. SEPARATE PROCEDURES HAVE BEEN PROVIDED FOR THOSE BALLOTS.**

<table>
<thead>
<tr>
<th>Name of Voter (if known)</th>
<th>Time</th>
<th>Names of Poll Workers</th>
<th>Circumstances</th>
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<tbody>
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</tbody>
</table>

**ELECTRONIC BALLOT ABANDONED ON A VOTING MACHINE**

According to Arkansas Code Annotated § 7-5-522, if an electronic ballot is abandoned on a voting machine by a voter who has left the poll without telling a poll worker to cancel the ballot, two (2) poll workers should complete the process of casting the ballot, and document the name of the voter, if known, the names of the two (2) poll workers completing the process of casting the ballot, the time, and all circumstances involved.

<table>
<thead>
<tr>
<th>Name of Voter (if known)</th>
<th>Time</th>
<th>Names of Poll Workers</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
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<td>2.</td>
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</tbody>
</table>
**POLL WORKERS’ CERTIFICATE**

*Complete upon closing the poll and removing activation packs/devices from voting machines*

Name of Election: ________________________________

Date of Election: ____________________________ County: __________________________

Polling Location Name: ________________________________

Precinct Number(s): ________________________________

In accordance with Arkansas Code Annotated § 7-5-526, we hereby certify that, at the official time for closing the polls and upon termination of the voting, and in the presence of all persons authorized to be present, we removed the activation packs or devices from the voting machines at this polling site to make them inaccessible to further voting as indicated below.

<table>
<thead>
<tr>
<th>Voting Machine Number</th>
<th>Beginning Protective Counter #*</th>
<th># of Votes on Public Counter</th>
<th>Ending Protective Counter #**</th>
<th>Time Voting Machine Made Inaccessible</th>
</tr>
</thead>
<tbody>
<tr>
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*From the ZERO printout tape posted for each voting machine before the poll opened

**From the return record produced from each voting machine upon closing the poll

NOTE: The sum of the beginning protective counter number plus the number of votes on the public counter should equal the ending protective counter number.

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Poll Worker Signature

Poll Worker Signature

Poll Worker Signature

Poll Worker Signature

Poll Worker Signature

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*Return signed certificate to County Election Commission with election materials.*
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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.

CBEC Member Name: ________________________________
Address: _________________________________________
City, State, Zip: ___________________________________
County: __________________________________________

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 10% of the stock having a total annual value in excess of $1,000 to an office, department, commission, council, board, bureau, committee, legislative body, agency or other establishment of the State of Arkansas, a county, a municipality, or a school district.

☐ During the previous calendar year, I have had no sales as referenced in Act 1216 of 2011 and Act 443 of 2013, codified at Ark. Code Ann. § 7-4-119.

If more space is needed, attach additional sheets to this document.

Goods or Services Sold: _________________________________________
Sold to: ____________________________________________________
Sold by: ____________________________________________________
Relationship of CBEC member to seller: __________________________

I certify under penalty of perjury that the above information is true and correct.

State of Arkansas ____________________________________________
County of ________________________________________________

Signature of CBEC Member ___________________________________

Subscribed and sworn to before me, a Notary Public, this ______day of_________________, 20______.

Notary Public_______________________________________________

My Commission Expires: _________________________________

Revised 08/13
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.

Page 2

CBEC Member Name: _______________________________ Filing for Year: _____________

Goods or Services Sold: _________________________________________________________
Sold to: _____________________________________________________________________
Sold by: ____________________________________________________________________
Relationship of CBEC member to seller: _________________________________________

Goods or Services Sold: _________________________________________________________
Sold to: _____________________________________________________________________
Sold by: ____________________________________________________________________
Relationship of CBEC member to seller: _________________________________________

Goods or Services Sold: _________________________________________________________
Sold to: _____________________________________________________________________
Sold by: ____________________________________________________________________
Relationship of CBEC member to seller: _________________________________________

Goods or Services Sold: _________________________________________________________
Sold to: _____________________________________________________________________
Sold by: ____________________________________________________________________
Relationship of CBEC member to seller: _________________________________________
NOTICE ON ELECTIONEERING

ELECTIONEERING includes:

- Distributing literature regarding any candidate or issue on the ballot,
- Soliciting signatures on any petition,
- Soliciting contributions, and
- Attempting to win votes by wearing or displaying campaign buttons, caps, shirts, signs or other articles of influence.

PROHIBITION

Arkansas Code Annotated 7-1-103 and 7-1-104 prohibit electioneering in the building or within 100 feet of the primary exterior entrance used by voters to the building containing the early voting site or polling site on any election day or any day on which early voting is allowed.

PUNISHMENT

Violation of electioneering laws is, at the minimum, a Class A misdemeanor offense punishable by fine or confinement.
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POLL WATCHER AUTHORIZATION FORM
[A.C.A. § 7-5-312]

Representative of a Candidate

I, _____________________________, state that I am a candidate for the office of _____________________________ in the _____________________________ election. I further state that I have designated _____________________________ as my authorized representative at the election at polling sites _____________________________ and absentee ballot processing sites _____________________________ in _____________________________ County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at _____________________________ in _____________________________ County, Arkansas for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

Representative of a Group

I, _____________________________, state that I represent the _____________________________ group which is seeking passage/defeat (circle one) of the ballot measure entitled _____________________________ on the ballot in the _____________________________ election at polling sites _____________________________ and absentee ballot processing sites _____________________________ in _____________________________ County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417.

Representative of a Party

I, _____________________________, state that I am the chair or secretary of the state/county (circle one) committee for the _____________________________ party with candidates on the ballot in the _____________________________ election. I further state that I have designated _____________________________ as an authorized party representative at the election at polling sites _____________________________ and absentee ballot processing sites _____________________________ in _____________________________ County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at _____________________________ in _____________________________ County, Arkansas, for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

Signature of Candidate, Group Representative, or Chair/Secretary of the State/County Committee

Acknowledged before me this _____ day of _______________________, 20 __.
Notary Public: __________________________________ My Commission Expires: __________

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

Signature of the Poll Watcher

Acknowledged before me this _____ day of _______________________, 20 __.
Notary Public: __________________________________ My Commission Expires: __________

I do hereby acknowledge the filing of this poll watcher authorization form with the county clerk’s office.

Signature of County Clerk
POLL WATCHER RIGHTS AND RESPONSIBILITIES

A poll watcher may be:

(1) A candidate in person, but only during the counting and tabulation of ballots and the processing of absentee ballots;
(2) An authorized representative of a candidate;
(3) An authorized representative of a group seeking the passage or defeat of a measure on the ballot; or
(4) An authorized representative of a party with a candidate on the ballot.

Official recognition of poll watchers:

(1) Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;
(2) Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed; and
(3) Only one (1) authorized poll watcher per candidate or party at any one (1) given time may be officially recognized as a poll watcher at the counting of the ballots.

Poll watcher credentials:

(1) Except for candidates in person, poll watchers must shall present a valid affidavit in the form of a “Poll Watcher Authorization Form” to an election official immediately upon entering the polling or counting location.
(2) Candidates in person attending a counting site or absentee ballot processing site are not required to present a “Poll Watcher Authorization Form” but must present some form of identification to an election official immediately upon entering the site for the purpose of confirming the poll watcher as a candidate on the ballot.

Poll watchers may:

(1) Observe the election officials;
(2) Stand close enough to the place where voters check in to vote so as to hear the voter’s name;
(3) Compile lists of persons voting;
(4) Challenge ballots upon notification to an election official before the voter signs the precinct voter registration list and upon completing a “Challenged Ballot Form”;
(5) Call to the attention of the election sheriff any occurrence believed to be an irregularity or violation of election law. The poll watcher may not discuss the occurrence unless the election sheriff invites the discussion; and
(6) Be present at the opening, processing, and canvassing of absentee ballots for the purpose of challenging absentee votes in the manner provided by law for personal voting challenges.

Poll watchers representing a candidate or political party may:

(1) Remain at the polling site after the poll closes if ballots are counted at the poll;
(2) Be present at the counting of votes by hand or by an electronic vote tabulating device at a central location;
(3) Be present at the counting of absentee ballots for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted; and
(4) Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted.

Poll watchers may not:

(1) Be within six feet (6’) of any voting machine or booth used by voters to cast their ballot;
(2) Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100’) of the primary exterior entrance used by voters to the building containing the polling site; or
(3) Disrupt the orderly conduct of the election.
Warning

Do you think you have the wrong ballot?

If so,

DO NOT PRESS CAST!

Immediately notify a Poll Worker.

If you press cast, it’s too late – you have voted.
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CROSSOVER VOTING IS A CRIME

VOTERS:
It is a misdemeanor, punishable by up to one year incarceration and a fine of up to $2,500, for a person to vote in the preferential primary of one political party and the general primary (runoff) of another.
[A.C.A. §§7-1-103(a)(19)(B), (b)]

POLL WORKERS:
It is a felony, punishable by up to six years incarceration and a fine of up to $10,000 for a poll worker to knowingly permit a person to vote other than his or her legal ballot or fraudulently permit a person to vote illegally.
[A.C.A. §§7-1-104(a)(13), (14), (b)]
Ark. Code Ann. § 7-4-109(d) states that "No person may serve as an election official if married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to his or her service is made to the county board within ten (10) calendar days after posting the list of officials."