

# Welcome



# State Board of Election Commissioners

# A note before we begin...

Dear County Election Commissioners,

Because voting is at the core of our democracy and knowledge is essential to the success of our elections, the State Board of Election Commissioners 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 presentation will be of valuable assistance to new Commissioners in fulfilling their legal responsibilities.

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

With best regards,

SBEC Staff

# 2014 County Boards of Election Commissioners' Training

State Board of Election Commissioners

501 Woodlane Dr., Suite 401 N  
Little Rock, Arkansas 72201

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

FAX (501) 682-1782

e-mail: [Info.SBEC@sos.arkansas.gov](mailto:Info.SBEC@sos.arkansas.gov)

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

# Introduction

- The State Board of Election Commissioners is required by law to conduct statewide training of county election commissioners on election processes and procedures and statutory duties and responsibilities before each May preferential primary election.

# State Board of Election Commissioners (SBEC)

## ■ Composition

- ❑ Staff of seven (7)
- ❑ Seven (7) member Board
  - ❖ Secretary of State (SOS), Chair
  - ❖ Chair of the State Democratic Party designee
  - ❖ Chair of the State Republican Party designee
  - ❖ Senate President Pro Tempore designee
  - ❖ Speaker of the House of Representatives designee
  - ❖ Governor's designees
    - Incumbent County Clerk
    - County Election Commissioner (at least 3 years service)

# State Board of Election Commissioners (SBEC)



**Secretary of State Mark Martin**  
SBEC Chairman



**Commissioner J. Harmon Smith**  
Democratic Party Designee



**Commissioner Stuart "Stu" Soffer**  
Republican Party Designee



**Commissioner  
Barbara McBryde**  
Senate President  
Pro Tempore  
Designee



**Commissioner  
Chad W. Pekron**  
Speaker of the  
House Designee



**Commissioner C.S. Walker**  
Grant County  
Election Commissioner  
Governor's Designee



**Commissioner Rhonda Cole**  
Clark County Clerk  
Governor's Designee

# State Board of Election Commissioners

## ■ Responsibilities

- ❑ Fund primary and statewide special elections
- ❑ Publish handbook to assist and educate candidates running for public office
- ❑ Publish training materials to assist and educate election officials
- ❑ Statewide poll worker and commissioner training
- ❑ Rules to assure fair and orderly election procedures
- ❑ Monitor compliance with election laws
  - ❖ Assist local election authorities
  - ❖ Appoint certified election monitors
  - ❖ Monitor all election law-related legislation
- ❑ Examine, approve, and certify voting equipment
- ❑ Investigate alleged violations of election and voter registration laws, render findings, and impose disciplinary actions

# Common Terms

- Constitutional officers
- Majority party
- Minority party
- Provisional ballot
- Voting machine (DRE)
  - Also Touch screen, iVotronic, or IVO
- Voter-verified paper audit trail (VVPAT)
  - Also Real time audit log (RTAL)
- Personal electronic ballot (PEB)
  - Voter, Master or Supervisor



# Election Statutes

- Bill → Act → Statute (Law)
- Arkansas Code Annotated (Red bound volumes)
- May be found at county courthouse
- Available on the internet [www.arkleg.state.ar.us](http://www.arkleg.state.ar.us)
- Title 6 (Volume #4 A) for School Elections
- Title 7 (Volume #6)
- Title 14 (Volume 9) for Municipal & County Elections
- Pocket parts
- Election Law Book
- Case law
- **“RESEARCHING ELECTION LAWS” on manual page 7**




# County Board of Election Commissioners (CBEC) Composition

- The county committee of the majority party elects two election commissioners and the minority party one commissioner in January of odd-numbered years
  - ❑ Commissioners hold office until successors are officially appointed and qualified.
  - ❑ Members of the commission serve at the pleasure of their respective county committees; can be removed by committee
  - ❑ **"COUNTY BOARD OF ELECTION COMMISSIONERS" on manual page 8**
- Vacancies are to be filled by the county committees or, if the committee fails, by the state chair of the affected political party

# County Commissioner Financial Disclosure

- ALL** County election commissioners must disclose certain business dealings with governmental entities by filing a report with the Secretary of State
- Must report sales of goods or services by commissioner, spouse or business in excess of \$1,000 to state, city, county or school district
  - Deadline is January 31
  - Forms and filing procedures prescribed by SOS

	Arkansas Secretary of State <b>MARK MARTIN</b>	Filing for year: <input type="text"/>	<b>Elections Division</b> State Capitol, Room 026 Little Rock, AR 72201 (501)682-5070
<b>Disclosure by Member of a County Board of Election Commissioners</b> 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:	<input type="text"/>		
Address:	<input type="text"/>		
City, State, Zip:	<input type="text"/>		
County:	<input type="text"/>		
<small>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</small>			

# County Board of Election Commissioners Chairperson

- Elected by the 3 members of the CBEC
- Any of the 3 members may be elected to serve as Chair (must be elected at least 30 days before general election)
- ***AG Op 2013-023***
  - ❑ Chair's term begins when elected and new chair may be elected after next odd-year election of commissioners or upon resignation of chair
- ***AG Op 2011-034***
  - ❑ Chair may not be removed from that position by majority vote of commission
  - ❑ Commission may meet in executive session to consider selection of chair

# County Election Commissioner Qualifications

- **MUST** attend training conducted by SBEC
- **Must NOT:**
  - ❑ Be guilty of violating any election law
  - ❑ Be paid employee of any political party
  - ❑ Be paid employee of school district holding election
  - ❑ Be paid employee of any candidate running for any office on the county's ballot
  - ❑ Be a candidate (except county committee) while serving
  - ❑ Be married or related to a candidate running for office while serving, if objection is made

# County Board of Election Commissioner Qualifications

- **Must NOT:**
  - ❑ Participate in the campaign of any person listed on the county's ballot, except for making financial contributions
  - ❑ For Example:
    - ❖ Yard signs and bumper stickers are OK
    - ❖ Phone calls on behalf of a candidate and hosting fund-raisers are prohibited
    - ❖ Per AG Opinion 2007-281
- No person is eligible for consideration as a county commissioner if employed by a company doing business with the CBEC
- **"COMMISSIONER QUALIFICATIONS" on manual page 9**

# Commissioner Oath

- Members take oath within 30 days of selection
- Filed with County Clerk and duplicate forwarded to SOS
- Each party's county committee files a list of their commissioners with County Clerk and SOS as soon as practicable after election of members. **See 7-4-102(c)**
- May also be provided to the State Board of Election Commissioners
  - Reference materials will be sent to the new commissioner upon receipt
- **"OATH OF OFFICE" on manual page 11**

# Commission Meetings

- Only chair can call meetings
- Must notify other members of meetings
- Meetings of 2 or more commissioners must be **PUBLIC**
- Requires advance notice to press (2 hours for emergency meetings)
- Quorum = 2 members
- 2 concurring votes decide most questions
- Some matters require a unanimous vote
- Must keep minutes and file with County Clerk
- Use “standard rules of parliamentary procedure” (such as Roberts Rules of Order) in absence of statutory or self-imposed rules
- Resolve disputes over parliamentary rules by majority vote
- **“COUNTY BOARD MEETINGS” on manual page 12**
- **AG Opinion 2010-146 and AG Opinion 2011-034**



# Training

- **Conducted in Little Rock or regionally by SBEC for:**
  - ❑ All county election commissioners – **REQUIRED**
  - ❑ Two designated trainers per county
- **Conducted locally by SBEC certified trainers for:**
  - ❑ Poll workers – All poll workers at each poll on election day must be trained – **REQUIRED BY ACT 1457 of 2013**
  - ❑ Training will be conducted by SBEC certified trainers who are chosen by CBEC. Trainers should be able to communicate effectively to a diverse audience.
- **Conducted by SOS and ES&S for:**
  - ❑ Local election authorities on voting system
  - ❑ Voter education
- **“TRAINING” on manual pages 18-19**

# Types of Elections & When Held

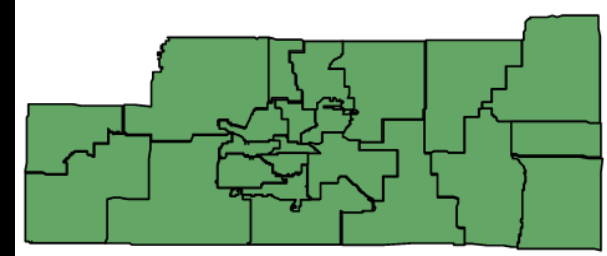
- Preferential Primary and Nonpartisan General– **May 20, 2014**
  - 3 weeks before Primary Runoff
- General Primary (Primary Runoff) – **June 10, 2014**
  - 2<sup>nd</sup> Tuesday in June before General Election
- Annual School Election - 3<sup>rd</sup> Tuesday in September (9/16/2014)
- Runoff School Election – 3 weeks later (10/7/2014)
- General and Nonpartisan Runoff– **November 4, 2014**
  - Tuesday after 1<sup>st</sup> Monday in November of even-numbered years
- General Runoff – **November 25, 2014**
  - Municipal and County **ONLY**
  - 3 weeks after November General Election

# Types of Elections & When Held



- Special Elections
  - On 2<sup>nd</sup> Tuesday of any month, except:
    - On 3<sup>rd</sup> Tuesday if 2<sup>nd</sup> Tuesday is a legal holiday
    - On 4<sup>th</sup> Tuesday if called in June of even-numbered year
    - On same day of month as preferential primary election
    - On same day of month as general election
- **“ELECTIONS” on manual pages 14-15**

# Election Precincts



- **ORDER** required to:
  - Alter boundaries of existing election precincts
  - Establish new election precincts
- **Order NOT** effective until filed with County Clerk
- Precincts must not exceed 3,000 voters **Act 1211 of 2013**
  - New maps are filed by County Clerk with SOS and AR Geographic Information Office
- No changes within 60 days before election day, unless emergency
- **“ELECTION PRECINCTS” on manual page 34**

# Polling Sites

- CBEC must designate a polling site for each precinct
- **Same as last general election**
  - ❑ May serve two (2) or more precincts or parts of precincts
  - ❑ Requires public meeting
  - ❑ Requires unanimous vote of commissioners present
    - ❖ Except school elections
  - ❑ Common polls for all primaries
  - ❑ Accessible to voters with disabilities
  - ❑ Adequate for operation of county's voting system
- If polling sites are changed within 15 days of an election due to an emergency, you may now post notice at the affected poll rather than mail notice to all affected voters.  
**(Act 546 of 2013)**
- **Reduction/No Poll for Primary**
  - ❑ No opposed races and no other ballot issues
    - ❖ May reduce the number of polling places
    - ❖ Open **NO** polling places on election day
    - ❖ Conduct absentee and early voting **ONLY**
- **"POLLING SITES" on manual pages 35-36**



# Polling Sites

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

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

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

# Polling Sites

## ■ Reminders

### □ Polling Place Consolidation

- ❖ Best practice is to open all polls for countywide runoff
- ❖ If you decide to consolidate precincts for runoff, the decision must be made 30 days before the runoff election – PLAN AHEAD
- ❖ The consolidation order for runoffs should account for contingencies involving countywide (if you decided to consolidate), district, constable, and, if applicable, municipal races

# ADA Compliance

- Federal law requires that **during voting hours:**
  - All polling sites be accessible to voters with disabilities
    - ❖ Parking
    - ❖ Entrances – route to and inside building to voting area
    - ❖ Voting area
- SBEC assistance
  - Detailed, comprehensive written directive provided for evaluating polling site accessibility
  - CBEC files report with SBEC after November general election
  - SBEC compiles report on compliance
- **“ADA COMPLIANCE” on manual page 35**



# Selecting Poll Workers

- Qualified elector of the state
- Able to read and write the English language
- Resident of precinct where serving, unless none available
- **Disqualifications on page 38**
- Selected & appointed at least 20 days before the election
- Each poll worker at each poll trained before May primary
- Minimum per poll of:
  - ❑ 2 election clerks, 1 election judge, 1 election sheriff
  - ❑ The minority party member has 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. For instance, if there are five poll workers at a poll, the minority party member has the right to appoint two poll workers. Of course, the majority party members may decline to exercise their right to have one *more* poll worker than the minority party.
- **"ELECTION OFFICIALS" on manual pages 37-39**

# Selecting Poll Workers

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

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

# Public Notices

- Notice of Drawing for Ballot Position
  - Public meeting
    - ❖ Held at least 72 days before May primary & November general
  - Written notice of time and place of meeting for ballot draw to
    - ❖ County committee chairs not on CBEC
    - ❖ At least 10 days before meeting

# Public Notices

- **Newspaper Publications**
  - Drawing for Ballot Position
    - ❖ At least 3 days before public meeting
  - Voting Machine Preparation
    - ❖ Before beginning prep
  - Voting Machine Testing
    - ❖ At least 48 hours before testing
  - Electronic Vote Tabulating Device Testing
    - ❖ At least 48 hours before testing



# Public Notices

- **Newspaper Publications**

- Notice of Election

- ❖ Newspaper of general circulation in county

- Date of election
      - Places and times for early voting
      - Hours of voting and polling sites on election day
      - Candidates and offices
      - Time and location of processing and counting ballots

- ❖ At least 20 days before preferential primary elections

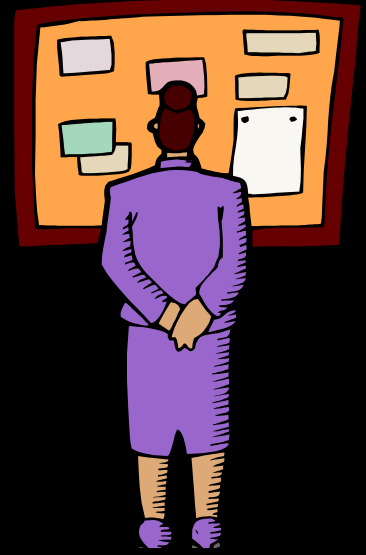
- ❖ At least 20 days before general election

- ❖ At least 10 days before runoff elections

- ❖ At least 10 days before special elections

- ❖ Second publication 5 days before each election above

# Postings



- **List of Appointed Election Officials**
  - ❑ In public place in County Clerk's office
  - ❑ Includes CBEC
  - ❑ At least 15 days before election
- **Nominations/Amendments/Measures/Questions**
  - ❑ On door of courthouse
  - ❑ At least 10 days before general election
- **Notice to Electors of Polling Site Changes**
  - ❑ At all polling sites used in the last election
- **"PUBLIC NOTICES" on manual pages 40-41**

# Types of Ballots

- **May Preferential Primary Election Ballots**

- Separate ballot for each political party
- Ballot contains:
  - ❖ Party's candidates
  - ❖ Unopposed candidates grouped together and labeled
  - ❖ Candidates for nonpartisan office (judges and prosecutors)
  - ❖ Any special election issues

- **Nonpartisan General Election Ballots**

- Ballot contains:
  - ❖ Candidates for nonpartisan office (judges and prosecutors)
  - ❖ Any special election issues

- **General Election Ballots**

- Ballot contains:
  - ❖ Political party nominees
  - ❖ Unopposed candidates grouped together and labeled
  - ❖ Independent candidates
  - ❖ Write-in candidates
  - ❖ Nonpartisan general runoff candidates (judges and prosecutors)
  - ❖ Any proposed constitutional amendments, measures, and questions

# Form of Ballots

- **“BALLOTS” on manual pages 42-47**
  - Detailed discussion of:
    - ❖ Unopposed candidates
    - ❖ Ballot headings
    - ❖ Ballot instructions
    - ❖ Order of candidate names
    - ❖ Party/Independent Designations
    - ❖ Write-in candidates
    - ❖ Ballot titles and popular names
    - ❖ Ballot layout
    - ❖ Ballot stubs



# Candidate Names and Titles

- **Form of names and titles on the ballot**
  - Candidates' proposed names and titles listed on the Political Practices Pledge
    - ❖ SOS reviews and certifies
      - Federal, State, District Offices, and Judicial Offices
    - ❖ CBEC reviews and certifies
      - County, township, school, municipal offices
  - According to ACA 7-7-305 and 7-10-103
    - ❖ SBEC **Guidelines for Ballot Name Certification**
    - ❖ Guidance to CBEC on use of given names
      - Guidance on use of nickname
      - Guidance on use of professional or honorary titles
      - Guidance on use of titles of elective public offices

# Ballot Position

- **Determine Order of Candidate Names**
  - ❑ By lot – ALL Candidates
    - ❖ Do *not* just take certified list from SOS and use it for ballot order of state and federal candidates
  - ❑ At public meeting
  - ❑ Order for runoff same as election leading to runoff
- **Certify ballots**
  - ❑ Before delivery to County Clerk for absentee voting

# Finalize and Order Ballot

- **Verify accuracy**
  - ❑ Before delivery to County Clerk for absentee voting
  - ❑ Proofread, Proofread, Proofread
- **Establish Firm Delivery Date with printer**
- **Ballot Errors or Omissions**
  - ❑ Hold public meeting – triggered by affidavit
  - ❑ Announce errors or omissions
  - ❑ Correct errors or omissions or state why not

# Quantity of Paper Ballots

## ■ Voting Machine System

- ❑ All voting machines
- ❑ At least 1 voting machine per poll accessible to voters with disabilities
- ❑ Paper ballots for provisional voting and voting machine malfunction **ONLY**

## ■ State-Funded Elections - Reimbursement

- ❑ State-funding for printing a number of ballots equal to:
  - ❖ One and one half (1.5) times the number of electors voting **on paper ballots** at the last preceding comparable election
  - ❖ Maximum of one half (1/2) of the total number of electors voting at the last preceding comparable election

# Quantity of Paper Ballots

- **Paper Ballot Voting System**
  - ❑ Counted by hand at the polls
  - ❑ Counted by an electronic vote tabulating device
    - ❖ At the poll
    - ❖ At a central counting location
  - ❑ At least 1 voting machine per poll accessible to voters with disabilities
- **Number of Ballots per Election Precinct**
  - ❑ Minimum equal to one and one half (1.5) times the number of electors voting **on paper ballots** at the last preceding comparable election
  - ❑ Maximum of 105% of the total number of registered voters for that precinct
- **Maximum Number of Ballots Countywide**
  - ❑ 105% of registered voters in county

# Voting Machines

- **CBEC responsible for:**
  - ❑ Preparation and certification of ballot styles
  - ❑ Preparation, programming oversight, testing, and adjustment of voting machines
  - ❑ Programming to reject over votes
  - ❑ Programming for qualified write-in candidates
- **Testing**
  - ❑ At least 7 days before voting begins
  - ❑ Open to representatives of political parties, candidates, media, and public

# Voting Machines

## ■ Testing

### □ Consists of:

- ❖ Pre-auditing group of test ballots
  - At least 1 overvoted ballot for each contest
- ❖ Determining the number of valid votes cast
- ❖ Voting test ballots on voting machines
- ❖ Confirming rejection of overvotes
- ❖ Comparing results for discrepancies
- ❖ Determining cause of any errors
- ❖ Correcting the problem
- ❖ Producing an errorless count
- ❖ Approving voting machine for use

# Voting Machines

- Testing cont'd
  - Certify accuracy of voting system
  - File tests results with County Clerk
  - Make voting machines inaccessible to voting
  - Secure activation devices in sealed package
    - ❖ Record
      - Serial number of voting machine
      - Precinct location of voting machine
      - Number registered on protective counter
    - ❖ Retain until released to poll workers
  - Certify
    - ❖ Number on protective counter
    - ❖ All question counters are set at zero (0)
  - **Certification of Logic and Accuracy Testing Results**
    - ❖ Form developed by SBEC
- **“VOTING EQUIPMENT” on manual pages 48-50**



# Electronic Vote Tabulating Devices

- CBEC responsible for:
  - ❑ Programming and testing electronic vote tabulating devices
  - ❑ Programming to reject over votes
- **Testing**
  - ❑ At least 7 days before voting begins
  - ❑ Open to representatives of political parties, candidates, media, and public

# Electronic Vote Tabulating Devices

- **Testing**
- Consists of:
  - ❖ Generating a zero (o) printout tape
  - ❖ Pre-auditing group of test ballots
    - At least 1 over-voted ballot for each contest
  - ❖ Predetermining the number of valid votes cast
  - ❖ Scanning test ballots on the devices
  - ❖ Confirming rejection of over votes
  - ❖ Comparing results for discrepancies
- Clear devices after testing
- Certify accuracy of voting system
- File test results with County Clerk
- **“VOTING EQUIPMENT” on manual pages 48-50**

# Candidate Withdrawal

- **Notice of Withdrawal**

- Must be in writing
- Signed by the candidate
- Acknowledged before an officer

- **Candidate withdraws or dies before certification of the Primary ballot**

- Not placed on ballot

# Candidate Withdrawal

- **Candidate withdraws or dies after certification of the primary election ballot**
  - Votes Counted
  - If candidate wins primary
    - ❖ Vacancy in nomination shall exist
  - If candidate receives enough votes to advance to primary runoff
    - ❖ Candidate's name placed on primary runoff ballot
  - If candidate wins primary runoff
    - ❖ Vacancy in nomination shall exist

# Candidate Withdrawal

- **Candidate withdraws or dies after certification of the general election ballot**
  - Votes Counted
  - If candidate wins election
    - ❖ Vacancy in election shall be declared
  - If candidate receives enough votes to advance to general runoff election
    - ❖ Candidate's name placed on general runoff ballot
  - If candidate wins general runoff
    - ❖ Vacancy in election exists
- **“CANDIDATE WITHDRAWAL” on manual page 25**

# Vacancies

- **Vacancy in Candidacy for Nomination**
  - Unopposed candidate nominated at the primary
    - ❖ Dies
    - ❖ Refuses nomination due to serious illness
  - Filled by convention of political party
    - ❖ Filled more than 66 days before primary
      - Person chosen by convention on primary ballot
      - Elected and declared nominee
    - ❖ Filled less than 66 days before primary
      - Person who vacated the candidacy on primary ballot
      - Person chosen by convention declared nominee
    - ❖ Not filled before primary
      - Vacancy in nomination exists on primary election day



# Vacancies

- **Vacancy in Nomination can be filled by the party if:**
  - Vacancy in candidacy for nomination is not filled by convention before primary election day
  - Primary election nominee
    - ❖ Dies
    - ❖ Refuses nomination due to
      - Serious illness
      - Moving out of the area from which elected
      - Filing for another office
  - A tie occurs at the primary runoff election

# Vacancies

- **For a vacancy in nomination resulting from a vacancy in candidacy for nomination not being filled prior to the primary; or when the nominee dies or refuses nomination due to illness, moving or filing for another office:**
  - State party notifies Governor of choice to fill by
    - ❖ Special Election
    - ❖ Convention
  - Special Primary Election
    - ❖ Candidate with most votes declared nominee
    - ❖ If the office is a municipal office there is no runoff election and if a tie exists the nominee is determined by lot
- **For a vacancy in nomination resulting from a tie vote at the primary runoff election, the political party may fill the vacancy by convention**



# Vacancies

- **Vacancy in Office**

- Vacancy in an elective office due to:

- ❖ Death, resignation, or other good and legal cause

- After election to office

- Before expiration of term of office

- Filled by:

- ❖ Temporary Appointment

- ❖ Special Election

- ❖ Depends upon the office and proximity to general election

- **“VACANCIES” on manual pages 25-27**

# Conducting Early and Absentee Voting

- **County Clerk** responsible for:

- Absentee voting

- Early voting

- ❖ County Clerk's office

- ❖ Designated early voting location

- ❖ May decline if CBEC conducts offsite on all required days & hours



# Conducting Early and Absentee Voting

- **County Election Commission** responsible for:
  - ❑ Off-site early voting
    - ❖ Determine locations in public meeting by unanimous vote
    - ❖ Appoint poll workers
  - ❑ Public notice
    - ❖ Places and times for early voting
    - ❖ Processing and counting absentee and early votes
  - ❑ Voting machines for early voting
  - ❑ Absentee and early voting ballots
  - ❑ Supervision of Absentee processing
  - ❑ Absentee and early vote tabulation

# Early Voting Days and Hours

- Varies depending on type of election and where held
  - ❑ County Clerk's office
  - ❑ Off-site
  - ❑ Both
- Begins 15 days before:
  - ❑ May preferential primary and nonpartisan general elections
  - ❑ November general and nonpartisan general runoff elections
- Begins 7 days before:
  - ❑ June primary runoff elections
  - ❑ November general runoff elections
  - ❑ September school elections
  - ❑ Special elections
- Not allowed on Sunday, state or county holidays



# Absentee Voting

- For 2014, begins no later than:
  - 10 days before June runoff election
  - 10 days before November general runoff election
  - 46 days before all other elections
- Absentee voting for military and overseas voters
  - Begins no later than 46 days before an election
    - ❖ Absentee ballots delivery deadline is 47 days before an election and clerk must begin mailing absentee ballots 46 days before an election

# Absentee Voting

## Act 1424 - New rules for absentee voting include:

- The county clerk must write or stamp “Authorized Agent”, “Designated bearer” or “Administrator” and write the person’s name and address on an absentee voter’s **return envelope** when the ballot is delivered to the clerk by a bearer/agent/administrator.
- The county clerk may not send an absentee ballot to a voter unless the applicant’s **signature** on the absentee ballot application is similar to the voter’s signature in the voter registration system (prior law allowed sending a ballot if the clerk was “satisfied” that the applicant was a registered voter);
- The clerk must submit a written ballot accounting for absentee ballots to the election commission.

# Absentee Voting

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

# Absentee Voting

## Other new rules include:

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



# Absentee Voting

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

# “Special Runoff” Absentee Ballots

- For qualified electors temporarily residing outside U.S.
- Mailed with May preferential primary ballot
- Mailed with November general ballot
- Serves as runoff ballot for June runoff
- Serves as runoff ballot for November general runoff
- Ranked votes in order of preference
- If returned with primary or general ballot, hold for runoff
- Follow SOS instructions on handling
- **NO** special runoff ballot for nonpartisan elections
- **“ABSENTEE AND EARLY VOTING” on manual pages 29-33**

# Election Materials/Equipment

- CBEC responsible for providing:
  - ❑ Ballots
  - ❑ Supplies
  - ❑ Required Forms
    - ❖ Samples provided by SBEC
  - ❑ Required postings
    - ❖ Samples provided by SBEC and SOS
  - ❑ Voting machines
    - ❖ At least one ADA accessible per poll
    - ❖ Early Voting Sites
      - County Clerk's office
      - Off-Site
    - ❖ Election day polling sites
- **“ELECTION MATERIALS” on manual pages 51-53**
- **SAMPLE FORMS on manual pages 193-203**
- **SAMPLE POSTINGS on manual pages 206-210**

# Political Party Candidates

- **Qualifications**

- Each political party responsible for:
  - ❖ Determining qualifications of candidates seeking party nomination
  - ❖ Providing, accepting, and processing applications for candidacy

# Political Party Candidates

- Filing Procedure during Party Filing Period
  - File **Affidavit of Eligibility**
    - ❖ Eligible to serve in office sought
  - Pay Party Filing Fee
    - ❖ Imposed on candidate seeking party's nomination
  - File **Party Certificate** showing:
    - ❖ Ballot name and title proposed by candidate
    - ❖ Position sought
    - ❖ Payment of any party filing fee
    - ❖ Filing of any party pledge
    - ❖ Filing of affidavit of eligibility
  - File **Political Practices Pledge**
    - ❖ Familiar with Arkansas laws on unlawful election activities and penalties
    - ❖ Will in good faith comply with laws

# Political Party Candidates

- **List of Party Candidates Certified to CBEC**
  - ❑ For placement on primary ballot
  - ❑ From SOS and County Clerk, as case may be
  - ❑ At least 75 days before primary
- **“POLITICAL PARTY CANDIDATES” on manual pages 20-21**

# General Elections



# General Election Ballots

- Candidates Certified to CBEC
  - Political Party Nominees
    - ❖ List of all candidates to be voted for in the county
    - ❖ From SOS and County Clerk, as case may be
    - ❖ At least 75 days before general election
  - Ballot Access for Judges and Prosecutors
    - ❖ File political practices pledge
    - ❖ Filing fee
    - ❖ Petition
    - ❖ Write-in Candidacy



# General Election Ballots

## ■ Ballot Access

- Independent Candidates without Party Affiliation must file:
  - ❖ Political practices pledge during the party filing period,
  - ❖ Affidavit of eligibility during the party filing period,
  - ❖ Notice of candidacy during the party filing period, and
  - ❖ Petition during the party filing period (Act 1356 of 2013)
  
- Write-in Candidacy – Must be filed during the party filing period (except for judicial and prosecutor candidates)
  - ❖ Notice of write-in candidacy submitted to CBEC and filed with SOS or County Clerk, as case may be
  - ❖ Political practices pledge filed with SOS or County Clerk, as case may be
  - ❖ Affidavit of eligibility filed with SOS or County Clerk, as case may be
  - ❖ For judicial and prosecutor candidates, deadline is 80 days before Primary/Nonpartisan Election (Monday, March 3<sup>rd</sup>)
    - **7-10-103(d)(2)**

# General Election Ballots

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

# General Election Ballots

- **Certified to CBEC**
  - Proposed Constitutional amendments
  - Measures
  - Questions
  - From SOS and County Clerk, as case may be
  - At least 75 days before general election
- **“CERTIFICATION” on manual pages 20-21**

# Another Note on Filing for Office

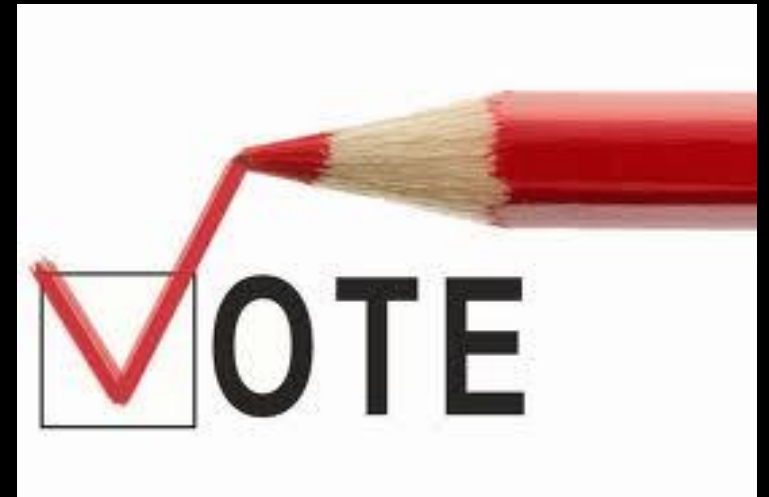
**Act 1066** - Provides that a person may file for only one municipal office during the municipal office filing period.

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

# Another Note on Filing for Office

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

# SCHOOL ELECTIONS



# School Elections



## ■ Polling Sites

- ❑ Established by majority vote of CBEC
- ❑ Same as preceding school election, unless changed by order
- ❑ Located within a school district
- ❑ Contested school election in school district with territory in multiple counties
  - ❖ CBEC of domicile county designates at least one (1) polling site in each county with a school district containing a city of the 2<sup>nd</sup> class or larger with registered voters

# School Elections

- **Polling Sites**

- Consult with school district on number and location of polls

**REMINDER:** You may always consolidate multiple precincts into a polling site

- **County Election Commissioner & Poll worker disqualification**

- Shall not be paid employee of school district holding election



# School Elections

- If **ALL** candidates unopposed and **NO** proposed change in millage **AND** if requested by School Board by resolution
  - May open **ONLY** 1 poll
  - May open **NO** polls
  - May conduct by absentee and early voting **ONLY**
  - May use paper ballots counted by hand & **NO** voting machine

# School Elections

- **School District Board of Directors' Required Publications**
  - ❑ Public Notice of Election – published by school. See 6-14-109
  - ❑ Polling sites
  - ❑ Changes in polling sites
    - ❑ See 6-14-106(d)
  - ❑ Drawing dates 6-14-111(j), 7-5-207(c)(2)
- **Ballots provided by CBEC**
  - ❑ Order of names of candidates determined by lot
  - ❑ CBEC may choose to use only paper ballots and count by hand in a no-poll election
- **Election materials provided by CBEC**
  - ❑ May request election kits from the State Board of Education

# School Elections

- **Certification**

- No earlier than 48 hours after election
- No later than 10 days after election
- Certification and 1 ballot filed with County Clerk

- **Runoff Election**

- No candidate receives majority of votes at annual election
- Tie vote exists at annual election
- Candidate receiving majority vote at runoff declared elected
- Candidates tie at runoff
  - ❖ Winner determined by lot in public meeting

# School Elections

- Runoff candidate withdraws before certification of results
  - Remaining candidate with most votes declared elected
  - No runoff election
- Election Expenses
  - Each school district pays for its poll workers
  - School districts reimburse county remaining costs based on formula

# Special Elections

- Specially scheduled elections
  - Fill vacancies
  - Approve measures or questions
  - Called by appropriate constituted authority by:
    - ❖ Proclamation
    - ❖ Ordinance
    - ❖ Statute
    - ❖ Resolution
    - ❖ Order
    - ❖ Other authorized document

# Special Elections

- **Calling Document**
  - Vacancies in state, federal, or district office
    - ❖ Filed with SOS
  - State measures or questions
    - ❖ Filed with SOS
  - Vacancies in local offices
    - ❖ Filed with County Clerk
  - Local measures or questions
    - ❖ Filed with County Clerk
  - Immediately transmitted to CBEC
    - ❖ Each county where special election to be held
  - Published in newspaper of general circulation
    - ❖ Where special election is to be held

# Special Elections

- **Special Primary and Special Election**

- Held at Primary

- ❖ Special election candidates, Special Primary election candidates, and issues included on party ballot

- Labeled

- ❖ Separate ballot provided containing:

- Special election candidates, special election issues, and nonpartisan candidates

- Special primary candidates should not appear on the separate ballot that includes nonpartisan candidates, measures and special election candidates

- An additional ballot may be used for special primaries ONLY if the CBEC deems it necessary to avoid voter confusion, but this is usually NOT a good option

- Held at General

- ❖ Special election candidates, Special Primary election candidates, and issues included on ballot

- Labeled

- ❖ Separate ballot may be provided

# Special Elections

- **ONLY 1** candidate and no other office or issue on ballot:
  - ❑ May open **ONLY 1** poll
  - ❑ May open **NO** polls
  - ❑ May conduct by absentee and early voting **ONLY**
  - ❑ May use paper ballots counted by hand & **NO** voting machine
  - ❑ May cancel special primary and declare sole candidate the winner  
(Act 580 of 2013)
- **"SPECIAL ELECTIONS"** on manual pages 95-99



# Election Day

- **Poll Worker Resources**

- CBEC

- ❖ Be available to poll workers on election day

- **Training Guide & Checklist for Poll Workers**

- ❖ Developed by SBEC
    - ❖ Identifies tasks legally required on election day
    - ❖ Allows poll workers to check off duties
    - ❖ Provides format to:
      - Document any problems
      - Explain any exceptions
    - ❖ Gathers data on ballot accounting
      - No longer legally required to report to SBEC

# Election Day

- **Training Guide & Checklist for Poll Workers cont'd**
  - ❑ 6 per poll provided by SBEC
  - ❑ Reference guide for poll workers addresses:
    - ❖ Tasks before opening polls
    - ❖ Procedures during voting hours
    - ❖ Closing poll
    - ❖ Necessary supplies
    - ❖ Forms to be completed
    - ❖ Legally required postings
    - ❖ Processing voters
    - ❖ Voting Scenarios and legal procedures for handling
    - ❖ Poll watcher rights and responsibilities
    - ❖ Electioneering
    - ❖ Closing & departing the poll
  - ❑ **Quick Guides**
    - ❖ Step –by-step guides on complicated procedures
- **“POLL WORKER RESOURCES” on manual page 55**

# Potential Election Day Problems

- **Persons Allowed in Polls Include (Act 1461 of 2013):**
  - Election Officials
  - Poll Watchers
  - Voters
  - Persons in the care of voters who are not eligible to vote
  - Persons who are lawfully assisting a voter
  - Law enforcement and other emergency personnel
  - Monitors authorized by SBEC or federal agency
  - Persons with business in the building (go directly to and from business)
  - Persons assisting the CBEC
  - Persons authorized by SBEC or CBEC

# Potential Election Day Problems

- **Exit Pollsters**

- AG Opinion 2004-268
- DO NOT allow exit pollsters free reign to the polling place
- Allow the pollster to be within 100' and have good access to voters leaving the polls
- Pollsters may be only where CBEC allows them to be
- Make sure poll workers know that pollsters are coming

- **News Photographers**

- CBEC decides whether news photographers are allowed and what they're allowed to film
- Work out in advance
- Notify poll workers

- **Electronic Devices Used by Poll Workers**

- Best practice is to have a policy in place that does not allow poll workers to:
  - ❖ Post to social media while at the polls
  - ❖ Talk on cell phone inside of polling location

# Potential Election Day Problems

- Timely opening of poll
- Voting machine malfunction
  - ❑ SBEC **Voter Complaint Form**
  - ❑ Poll worker must forward complaints to CBEC
  - ❑ CBEC must investigate
- Electioneering
  - ❑ SBEC **Notice on Electioneering** form
  - ❑ AG OP 2012-086 on Electioneering

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

A. No.



# Potential Election Day Problems

- **Ballot security**

- Prohibition against carrying outside polling room

- **Ballot secrecy**

- Voters must be provided privacy to cast ballot
- Communal tables OK; 7-5-309(a)(2) and (4) do not force CBEC to require voters to use a booth
- Secret ballot is a personal privilege that can be waived by voter

# Potential Election Day Problems

- **Voter Assistance**
  - ❑ SBEC **List of Persons Assisting Voters**
    - ❖ List required by law
  - ❑ No person other than poll workers or county clerks and deputy clerks during early voting can assist more than 6 voters in marking and casting a ballot at an election
- **Cross-over Voting**
  - ❑ Prohibited. It's a Crime. Don't do it!
  - ❑ Proper marking of ballot choices such as "D", "R", or "NP" on PVR list
- **Poll Watchers**
  - ❑ No candidates in person during voting
  - ❑ Talking with unauthorized persons
  - ❑ Documentation
  - ❑ Rights and Responsibilities
  - ❑ SBEC **Poll Watcher Authorization Form**

# Potential Election Day Problems

## ■ Provisional Voting

- ❑ Voter Challenges
- ❑ SBEC **List of Provisional Voters**
- ❑ SBEC **rules on provisional voting**

## ■ Spoiled Ballots

- ❑ SBEC **Spoiled Ballot Affidavit**

## ■ Abandoned Ballots

- ❑ SBEC **Abandoned Ballot Log**

## ■ Disorderly Conduct

- ❑ SBEC **Poll Workers' Training Guide**

- ❖ Introduction Page for recording contact information

## ■ **"POTENTIAL ELECTION DAY PROBLEMS" manual pages 56-65**

## ■ **Closing the Polls (manual pages 66-68)**



# VOTER ID



## 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 are required to present identification in order to vote at the polls. A flagged voter who presents a valid proof of identity that is also current (not expired) may vote without presenting an additional identification document. However, **if a flagged voter presents a valid proof of identity that is not current (i.e., is expired) and valid for the purpose for which it was issued, the flagged voter must also must also show a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.**

# VOTER ID POINT OF EMPHASIS

- A.C.A 7-5-304 (8)(A) Requires poll workers to request an identification from voters
  - If a voter does not show identification then the poll worker indicates this on the poll book and the voter votes a regular ballot
- Do not suggest in signage that voters must show DL or other specific forms of ID
- **Do not ask for DL specifically**

# Canvassing, Counting & Unofficial Results

- **Open to Public**

- Candidates in person
- Authorized representative of candidate
- Authorized representative of political party

- **Central Counting Location**

- Under direction of CBEC
- Oath of Office
  - ❖ Election officials
  - ❖ Persons operating tabulation devices

# Canvassing, Counting & Unofficial Results

- **CBEC MUST:**
  - ❑ Compile electronic countywide totals from PEBs
  - ❑ Manually compile countywide totals from polling sites' certified return records
  - ❑ Verify that they match
  - ❑ Produce an audit log from each voting machine used
  - ❑ Declare preliminary and unofficial results **on election night** (old law required this "immediately after the count is complete") for state and federal elections, including a count of outstanding UOCAVA ballots and provisional ballots; and
  - ❑ Report these results **by precinct** (instead of by poll) to the Secretary of State via the Secretary of State election night reporting interface. Transmission to the Secretary of State can be done by the county election commission by agreement with the county clerk (previous law required the clerk to transmit to SOS) (**Act 1058 of 2013**)
  - ❑ Report precinct results of early and absentee to SOS no later than 30 minutes after close of polls (**Act 1211 of 2013**)
- Apply SBEC **Rules for Voter Intent on manual pages 125-135** when reviewing rejected ballots
- **"CANVASSING, COUNTING & UNOFFICIAL RESULTS" on manual pages 69-75**

# Counting Write-Ins

- No write-ins in primaries
- No write-ins in presidential or municipal races
- To be counted in general election
  - ❑ Must be cast in the appropriate place on the ballot
  - ❑ Write-in candidates must have properly filed with state and/or county officials by the legal deadlines
- **“CANVASSING, COUNTING & UNOFFICIAL RESULTS”  
on manual page 74**

# Counting Provisional Ballots

- **Review each provisional ballot before certification**
- **Count if:**
  - Cast by a registered voter AND
  - Correct ballot for the precinct of voter's residence
- **Notify voter by first class mail**
  - Whether ballot counted
  - Reason not counted
  - Date, time, and place for hearing
- **SBEC rules on provisional voting on manual pages 136-154**

# Processing and Counting Early and Absentee Ballots

- Early & Absentee votes are Processed and Counted by election clerks appointed by CBEC
  - Under supervision and direction of CBEC
- Procedure in ACA 7-5-416
- Open to public, media, candidates, authorized poll watchers
- Must count before polls close per **Act 1211 of 2013...BUT**
  - **DO NOT PRINT OR RELEASE** results before polls close



# Processing and Counting Early and Absentee Ballots

- **Act 1211** - Requires the county election commission to report by precinct the initial count of early and absentee votes no later than **30** minutes after the polls close
- Requires the county election commission to show precinct results in the certification it files with the county clerk.
- For absentee ballots, the **CBEC determines** whether the application and voter statement do not compare as to name, address, date of birth, and signature and whether voter ID has been properly submitted
- Before certifying:
  - ❑ Wait 10 days for outstanding overseas ballots; and
  - ❑ Conduct a provisional voter hearing



# Counting Overseas Absentee Ballots

- **Count if:**
  - ❑ Properly executed by day of election by military voters and postmarked by civilians
  - ❑ Received by County Clerk by 5:00 p.m. ten (10) days after the election
- **Include counts in final certification**

# Recounts

- **Requested timely by candidate or on motion of CBEC**
  - ❑ Within 2 days after reporting unofficial results
  - ❑ Before final certification
  - ❑ Depends on number of outstanding overseas absentee ballots
  - ❑ Or at CBEC's Discretion
- **Procedure**
  - ❑ **Manual pages 76-77**
  - ❑ Equipment Test Results
  - ❑ Candidate Notification
  - ❑ VVPAT official ballot to be recounted
- 1 recount per candidate per election
- **Certify results of last recount**
- **Candidate requesting recount**
  - ❑ Pays before conducted (refunded if outcome changes)
  - ❑ Cost is no more than 25 cents per vote cast or \$2,500 for the entire county

# Declaring Nominees/Winners

- May Primary candidates require majority to be nominee
- Judicial and Prosecutor offices require majority
- General elections require win by plurality (except municipal in some cases and county)
- Majority = 50% plus one vote
- Plurality = highest number of votes
- Lower general election runoff trigger (40%) for **municipal races only**
  - Top vote-getter must get at least 20% more votes than the second-place finisher
- **“ELECTION TO OFFICE” on manual pages 78-80**

# Certifying Results for State and Federal Elections

- **Preliminary/Unofficial Results**
  - ❑ Report initial count of Early & Absentee votes no later than 30 minutes after the polls close, per **Act 1211 of 2013**
  - ❑ Report all results and transmit to SOS electronically as soon as results are tabulated on election night
- **Official Results**
  - ❑ Transmit electronically to SOS
  - ❑ **Sign and mail** hard copy of **abstract of returns** to SOS
  - ❑ Between 48 hours and 10 days after:
    - ❖ May preferential primary/nonpartisan general
    - ❖ June primary runoff elections
  - ❑ Between 48 hours and 15 days after November General/Nonpartisan General Runoff
- **“FINAL CERTIFICATION” on manual pages 81-82**

# Statutorily Required Reporting (State and Federal Elections)

## ■ **REPORTING REQUIRED BY A.C.A**

### **§ 7-5-707**

- Information required by federal law or regulation at request of SOS
- Additional election information as determined by SOS

# SBEC Assistance

- Commission Checklist for Combined May Preferential Primary and Nonpartisan General Elections  
**(manual pages 179-183)**
- Commission Checklist for November General Elections  
**(manual pages 184-188)**
- Commission Checklist for Statewide Special Elections  
**(manual pages 189-192)**
  - Use as a tool to
    - ❖ Monitor completion of duties during election process
    - ❖ Maintain relevant data about the election
- **Poll Workers Training Guide and Checklist (manual page 55)**

# Election Contests

- By candidate within 20 days after certification
- By at least 10 citizens within 20 days after the election
- **“ELECTION CONTESTS” on manual page 83**

# Preserve Election Materials and Equipment

- Secure voting machines, audit logs, and VVPATs
- Seal ballots – **DO NOT OPEN** except by court order
- Preserve ballots, certificates, and all other election materials in a secure location in the courthouse or other secure county storage facility
- Return all voter lists and voter registration materials to County Clerk
- Ballot stubs to County Treasurer
  - **Act 236 of 2013** - Clarifies that ballot stubs are delivered to the county treasurer at poll closing; the treasurer keeps the stubs for 20 days in an “appropriately marked” and sealed container; and then the stubs are to be kept in a secure storage facility for 2 years, after which they may be destroyed.



# Retention of Election Documents

**Act 1261** – Makes it a **felony** to destroy the following before legally allowed:

- A ballot that was completed, cast, abandoned or spoiled
- A ballot stub from a ballot that was completed, cast, abandoned or spoiled
- A completed voter statement
- An envelope that contains a ballot
- An affidavit provided to the county clerk
- An absentee ballot list
- An absentee ballot application
- A list of absentee ballot applications prepared under 7-5-408
- Any other ballot related material
- The penalty for violation is at least a one-year jail term and a fine of up to \$10,000.

“Ballot related material” is material “provided to a person representing himself or herself as the voter or his or her agent by a county clerk, member of a county board of election commissioners, or a poll worker and returned by the person ... or agent for the purpose of voting in an election.”

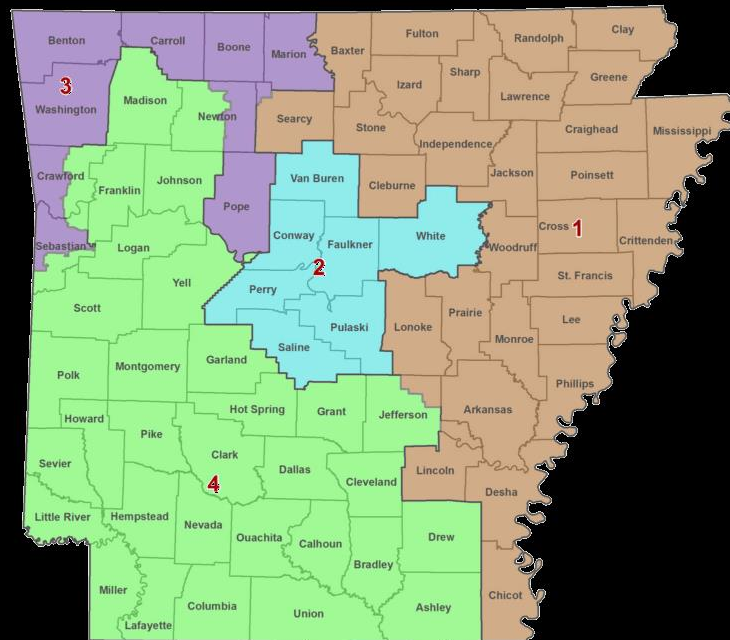
- **“PRESERVATION OF ELECTION EQUIPMENT & MATERIALS” on manual pages 84-85**

# Enforcing Election Laws

- Investigate all written complaints about voting machine malfunction
- Forward all written complaints alleging election law violations to the County Clerk and Prosecuting Attorney
- Review PVR lists or Provisional Voter Envelopes for voters not providing ID
  - Forward information to Prosecuting Attorney, if deemed necessary
- Refer questionable provisional ballot information to Prosecuting Attorney, if deemed necessary
- **“ENFORCING ELECTION LAWS” on manual page 87**

# Election Monitors

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



# Election Expenses

- **SBEC reimburses county for:**
  - ❑ May preferential primary/nonpartisan general elections
  - ❑ June primary runoff elections
  - ❑ Statewide special elections
  - ❑ Special primary elections
  - ❑ Eligible state-funded election expenses defined by SBEC  
**Rules (manual pages 112-124)**
- **County pays for general elections**
  - ❑ Portion reimbursed by cities/towns where held
  - ❑ Formula defined in A.C.A. § 7-5-104
- **School districts pay for annual school elections**
- **Special elections**
  - ❑ SBEC pays for special primary and statewide special elections
  - ❑ City/incorporated town calling for municipal election pays
  - ❑ County pays for all other special elections
- **“ELECTION EXPENSES” on manual pages 88-89**



# Legislative Update: Alderman & Mayors

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

**Act 978** – Provides for:

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

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

# Legislative Update: Wet/Dry Elections

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



# Legislative Update: Petitions

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

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

**FOR OFFICE USE ONLY**  
 Valid of \_\_\_\_\_  
 By \_\_\_\_\_ Date \_\_\_\_\_

TO: The Honorable County Clerk of \_\_\_\_\_ County

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

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

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

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# County Reimbursement Requests

- **Advance Funding**

- May preferential primary and statewide **specials ONLY**
- Letter of request signed by all 3 commissioners
- At least 30 days before election day

- **Request Forms**

- Provided by SBEC for each type of state-funded election

- **Actual Expense Reimbursement**

- Return **"County Reimbursement Request"**
- Return **"Summary of Costs"**
- Return **Attachments "A" – "K"**
- Provide actual invoices, receipts, and other supporting documentation, as required
- New forms for 2014 will be provided to all counties and must be used and submitted for all 2014 elections

# Poll Workers Pay

- **SBEC reimburses:**
  - ❑ \$100 for working full day at poll
  - ❑ \$7.25/hour for off-site early voting poll workers
  - ❑ Overtime for offsite early voting poll workers, if required by law
  - ❑ One time extra \$25 for attending training and working (May preferential primary **ONLY**)
  - ❑ Up to average of 6 workers per precinct
- **SBEC does not reimburse any of the following individuals to work at a poll:**
  - ❑ Volunteer election judges
  - ❑ County election commissioners
  - ❑ Permanent County Employees (full or part-time)

# Extra Help Pay

- **SBEC reimburses:**
  - ❑ \$7.25 per hour for delivery and return of ballots, election materials, and returns
  - ❑ One extra deputy to County Clerk for absentee and early voting at \$7.25 per hour for a maximum of 35 days
  - ❑ Overtime for county clerk's absentee and early voting extra deputy, if required by law
  - ❑ \$7.25 per hour for election officials counting ballots
  - ❑ \$7.25 per hour for preparation and packaging of materials for delivery to polls
  - ❑ \$ 7.25 per hour for unpacking and storage of materials delivered from polls
- **SBEC does not reimburse any of the following individuals as extra help:**
  - ❑ Permanent County Employees (Full-time or Part-time)

# Mileage Expenses

- **SBEC reimburses:**
  - ❑ State travel regulations rate of \$.42 per mile
  - ❑ For delivery and return of ballots, election materials, and returns
- **SBEC does not reimburse:**
  - ❑ Commissioner mileage to attend public meetings
  - ❑ Poll worker travel to and from the poll, except as provided above

# Election Commissioners Pay

- SBEC reimburses:
  - CBEC public meetings and election day
  - Up to \$100 per public meeting per commissioner
  - Maximum 10 public meetings per commissioner per state-funded election

# Polling Place Supply Costs

- **SBEC reimburses:**
  - ❑ Disposable supplies defined by rule
  - ❑ Must submit receipts/invoices
  - ❑ Must provide supporting documentation
  - ❑ Must **ONLY** claim quantities applicable to the specific election
- **SBEC does not reimburse:**
  - ❑ Disposable supplies such as batteries, copier toner, printer cartridges, diskettes, binders
  - ❑ Polling site capital or leasehold improvements
  - ❑ Non-expendable equipment and supplies
    - ❖ Voting booths or expensive metal signage
    - ❖ Outlet strips or extension cords
    - ❖ PEBs
  - ❑ Book binding, training material reproduction, phone lines, internet, toilet rental, furniture rental, food

# Programming Costs

- **SBEC reimburses:**
  - ❑ Labor programming voting machines & tabulating devices
  - ❑ Labor testing voting machines & tabulating devices
    - ❖ Maximum \$25 per hour
  - ❑ Contracted technical support
    - ❖ Maximum \$1,080 per state-funded election
  - ❑ Labor transporting voting machines and **precinct** tabulating devices to and from the poll
    - ❖ \$7.25 per hour
    - ❖ Mileage at \$.42 per mile
    - ❖ Truck rental, if necessary
- **SBEC does not reimburse:**
  - ❑ Purchase of new or used voting systems
  - ❑ Lease, rental, or maintenance of voting systems

# Ballot Printing Costs

- **SBEC reimburses:**
  - ❑ Ballot stock
  - ❑ Printing costs up to defined maximums
  - ❑ Must provide receipts/invoices
  - ❑ **Paper ballot counties-eligible for funding**
    - ❖ 1.5 times number of voters voting on paper ballots at last preceding comparable election up to max of 105% of registered voters
  - ❑ **Voting machine counties**
    - ❖ 1.5 times number of voters voting on paper ballots at last preceding comparable election, max of one half of total number of voters voting at last preceding comparable election
  - ❑ Separate Nonpartisan/Special Election ballots
    - ❖ Max of 1.5 times numbers of voters voting a separate combined nonpartisan/special election paper ballot at the last preceding comparable election



# Ballot Printing Costs

- **Special absentee runoff ballots**
  - ❑ Max of 1.5 times total number of overseas absentee ballot requests received at the last preceding comparable election **OR**
  - ❑ 1.5 times the total number of overseas absentee voters voting on paper ballots at the preceding comparable election, whichever is greater
- **SBEC does not reimburse:**
  - ❑ Reruns due to county or vendor error
  - ❑ Overages

# Legal Advertising Costs

## ■ SBEC reimburses:

- ❑ Two publications of public notice of election
- ❑ One publication of notice of voting machine preparation
- ❑ One publication of notice of testing voting machines and tabulating devices
- ❑ One publication of notice of ballot position drawing (May primary and special primaries only)
- ❑ One publication of calling document (statewide and special primary elections only)
- ❑ Must provide invoices and proof of publication

## ■ SBEC does not reimburse for:

- ❑ Publishing the list of appointed election officials
- ❑ Publishing notice of poll worker training
- ❑ Publishing in excess of what is required by law
- ❑ Re-advertising due to county error
- ❑ Radio or TV ads
- ❑ Color ads

# Facility Fees

- SBEC reimburses:
  - \$40 per election day polling site
    - ❖ Facility must request payment from county for its use
  - \$40 per day per off-site early voting polling site
    - ❖ Maximum of \$4,000 per county per state-funded election
    - ❖ Facility must request payment from county for its use
  - County must provide SBEC with facility invoices
  
- **SBEC does not reimburse:**
  - Individuals to clean polling sites

# Other Expense Considerations

- **SBEC will not:**
  - ❑ Reimburse for penalties assessed to a county by a vendor
  - ❑ Consider advance funding for primary runoff or special primary elections
- **SBEC will review all shipping & handling fees over \$500**
  - ❑ Payment on case-by-case basis
- **County may appeal to SBEC**
  - ❑ Otherwise eligible expenses disqualified for exceeding maximums
- **Contested Election**
  - ❑ Court ordered election
  - ❑ Funding considered on case-by-case basis

# Withholding Funds

- **SBEC may withhold funding if:**
  - ❑ County fails to comply with SBEC Rules or guidelines
  - ❑ County fails to comply with election laws
  - ❑ County fails to deliver certified results to SOS
  - ❑ County fails to deliver additional election information designated by SOS
- **Release of Funding**
  - ❑ Conditioned on meeting all requirement to satisfaction of SBEC

And Finally ...

***GOOD  
LUCK!!!***

# Contact Info

- **State Board of Election Commissioners**

501 Woodlane Dr., Suite 401 N

Little Rock, Arkansas 72201

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

FAX (501) 682-1782

e-mail: [Info.SBEC@sos.arkansas.gov](mailto:Info.SBEC@sos.arkansas.gov)

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

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

# Thank you

- We know that you're time is valuable and we appreciate you joining this presentation today.
- Thank you for all that you do...we look forward to working with you to ensure the success of our elections across the state.



**2014**  
**Supplemental**  
**Training for New**  
**Commissioners**

# Procedures at the Poll

- At least **1** voting machine per polling site equipped for voters with disabilities is **REQUIRED**

# Oath of Election Officials

- **Poll workers MUST:**
  - ❑ Take the **Oath of Election Officials** before beginning any official duties
  - ❑ Sign the **Oath**
  - ❑ An **Oath** is provided on **page 2** of the **Training Guide & Checklist for Poll Workers**
- **Poll workers should:**
  - ❑ **Immediately** contact their CBEC, county election coordinator, county clerk, or as previously directed, if a fellow poll worker is absent

# Paper Ballot Accounting

- Poll workers **SHOULD**:
  - Account for all paper ballots at the poll **BEFORE** opening the poll
  - Complete the **Account for Paper Ballots** section on **page 3** of the **Training Guide & Checklist for Poll Workers** OR
  - Confirm that the **Account for Paper Ballots** information on the **Training Guide & Checklist for Poll Workers** is correct, if already completed

# Activating Voting Equipment

- **Poll Workers should:**
  - ❑ Generate a zero printout tape for each voting machine at poll
  - ❑ Generate a zero printout tape for each tabulating device, if any, at the poll
  - ❑ Sign each zero printout tape
  - ❑ Post each zero printout tape on polling room wall
  - ❑ Contact CBEC immediately if problems occur

# Processing Voters

- Poll workers **MUST**:
  - ❑ Ask voter to state name, address, and date of birth
  - ❑ Confirm voter information to PVR list
  - ❑ Ask for Proof of Identity
  - ❑ Indicate on PVR List whether or not voter provided ID
  - ❑ Have the voter sign PVR list
  - ❑ Record or have voter record name on **List of Voters form** (when voting a **REGULAR** ballot)
  - ❑ Record or have voter record name on **List of Provisional Voters form** (when voting a **PROVISIONAL** ballot)
  - ❑ Initial back of paper ballot
  - ❑ Remove stub and place in stub box
  - ❑ Give paper ballot to voter to cast his or her vote
- SBEC **recommends** issuing the voter a slip indicating voter's ballot style when voting electronically

# Processing Voters at a Primary

- Poll workers **MUST**:
  - ❑ Mark the voter's ballot choice on the PVR
  - ❑ Proper marking of ballot choices include "D", "R", or "NP" on PVR list
  - ❑ Train poll workers to be neutral when answering voters' questions about the ballots – have poll workers refer voters to sample ballots to answer questions about who is on what ballot
  - ❑ Cross-Over Voting is prohibited: A voter cannot vote a different party's ballot at the runoff

# Assisting Voters

- The voter must **PERSONALLY** request help
- A poll worker should **NOT** suggest to a voter that he or she needs assistance
- Guide dogs for the visually impaired are allowed in the poll
- Ballots may **NOT** be taken out of the polling room during voting hours



# Assisting Voters

- No person other than the following shall assist more than **six (6)** voters in marking and casting a ballot at an election:
  - A poll worker at an election
  - The county clerk during early voting
  - A deputy county clerk during early voting
- Violation of laws governing assisting voters is a Class A misdemeanor offense punishable by fine or confinement

**Quick Guide on Assistance to Voters on  
page 15 of Training Guide & Checklist for Poll Workers**

# Poll Watcher Challenges

- A poll watcher may challenge a voter **ONLY**:
  - On the grounds that the voter is not eligible to vote in that precinct **OR**
  - That the voter has previously voted at that election

# Poll Watchers

- A poll watcher **MAY** be:
  - ❑ A candidate in person at any counting site or absentee ballot processing site
  - ❑ An authorized representative of a candidate
  - ❑ An authorized representative of a group for or against a ballot measure
  - ❑ An authorized representative of a political party with a candidate on the ballot

# Poll Watcher Rights and Responsibilities

- Poll watchers at a poll **MAY**:
  - ❑ Observe 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 voters
  - ❑ Challenge ballots **BEFORE** the voter signs PVR list
  - ❑ Call any perceived irregularity or election law violation to the attention of an election sheriff

# Poll Watcher Rights and Responsibilities

- Poll watchers may **NOT**:
  - ❑ Be within 6 feet of voting machines or booths
  - ❑ Speak to voters
  - ❑ Try to influence voters:
    - ❖ Inside the poll
    - ❖ Inside the prohibited electioneering zone
  - ❑ Disrupt elections

# Closing Poll

- Poll workers **should**:
  - ❑ Announce poll is closed
  - ❑ **Immediately** close the poll at 7:30 p.m.
  - ❑ Allow persons already in line at 7:30 p.m. to vote
  - ❑ Total the number of voters on the **List of Voters** on page 194 of manual
  - ❑ Certify, attest, and sign the **List**

# Court Orders

- **PROVISIONAL** ballots resulting from a court ordered voting extension must be kept:
  - ❑ Secured
  - ❑ Separate from all other provisional ballots

# Voting Machines

- Poll workers **MUST** secure voting machines against further voting by:
  - ❑ Properly closing the machine
  - ❑ Removing activation packs (PEBs) or devices
  - ❑ Attesting to exact time machines secured
  - ❑ Attesting to number of votes shown on each public counter
  - ❑ Certifying by signature
    - ❖ **Poll Workers' Certificate** on page 203 of manual
  - ❑ Securing the RTAL tapes
  - ❑ Exposing vote count for each machine
  - ❑ Producing and signing **3** return records from each machine
  - ❑ Posting **1** return record from each machine on wall of polling room
  - ❑ Placing activation packs (PEBs) or devices and remaining certified returns in sealed package signed by poll workers



# Account for Ballots and Voters

- **Poll Workers should:**
  - ❑ Account for unused paper ballots
  - ❑ Account for the number of voters
  - ❑ Account for ballots cast
  - ❑ Perform crosschecks for accuracy
  - ❑ Complete **“Account for Unused Paper Ballots”** and **“Account for Ballots Cast and Voters”** sections on pages 22-23 of Training Guide & Checklist for Poll Workers

# Departing the Poll

- Before departing the poll, poll workers **should**:
  - ❑ Follow any specific instructions from CBEC
  - ❑ Remove all postings, **EXCEPT** those required to remain
  - ❑ Collect all supplies and election materials
  - ❑ Collect “Vote Here” signs
  - ❑ Put the poll back in order
  - ❑ Seal stub boxes for transport to county treasurer

# Departing the Poll

- Poll workers **should** deliver to County Clerk:
  - ❑ **2<sup>nd</sup>** copy of **Certificate of Election Results**
  - ❑ **1** copy of tally sheets, if any
  - ❑ List of Voters
  - ❑ Precinct Voter Registration Lists
  - ❑ Voter Registration Application forms
  - ❑ Other record-keeping supplies

# Departing the Poll

- Poll Workers **MUST** deliver to CBEC:
  - ❑ Sealed package holding activation packs (PEBs) or devices & certified returns
  - ❑ Obtain a receipt
  - ❑ Paper ballots
    - ❖ Voted paper ballots secured in container with numbered seal
    - ❖ Unused, provisional, cancelled, defective ballots preserved separately and secured
  - ❑ Election supplies and materials
  - ❑ **3<sup>rd</sup>** copy of **Certificate of Election Results**
  - ❑ **1** copy of tally sheets, if any
  - ❑ Other election returns

# Review Procedures

- The SBEC **recommends** that poll workers keep the **Quick Guides** located in the **Training Guide & Checklist for Poll Workers** handy on election day for reference on:
  - ❑ Voter Identification Procedures (pages 41-42)
  - ❑ ID Procedure for Flagged Voters (page 43)
  - ❑ Fail-Safe Voting Procedures (pages 44-45)
  - ❑ Provisional Voting Procedures (page 46-47)
  - ❑ Assistance to Voters (page 48)
  - ❑ Spoiled Ballot Procedure (page 49)
  - ❑ Abandoned Ballot Procedures (page 50)

# Contact Info

- **State Board of Election Commissioners**  
501 Woodlane Dr., Suite 401 N  
Little Rock, Arkansas 72201  
(501) 682-1834 or (800) 411-6996  
FAX (501) 682-1782  
e-mail: [Info.SBEC@sos.arkansas.gov](mailto:Info.SBEC@sos.arkansas.gov)
- Website: <http://www.arkansas.gov/sbec>
- We are committed to supporting you throughout the upcoming election cycle and look forward to assisting you in any way possible. Please feel free to call upon us at any time.

# Thank you

- We know that you're time is valuable and we appreciate you joining this presentation today.
- Thank you for all that you do...we look forward to working with you to ensure the success of our elections across the state.