

2016 County Board of Election Commissioners' Training



STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane, Suite 401N

Little Rock, Arkansas 72201

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

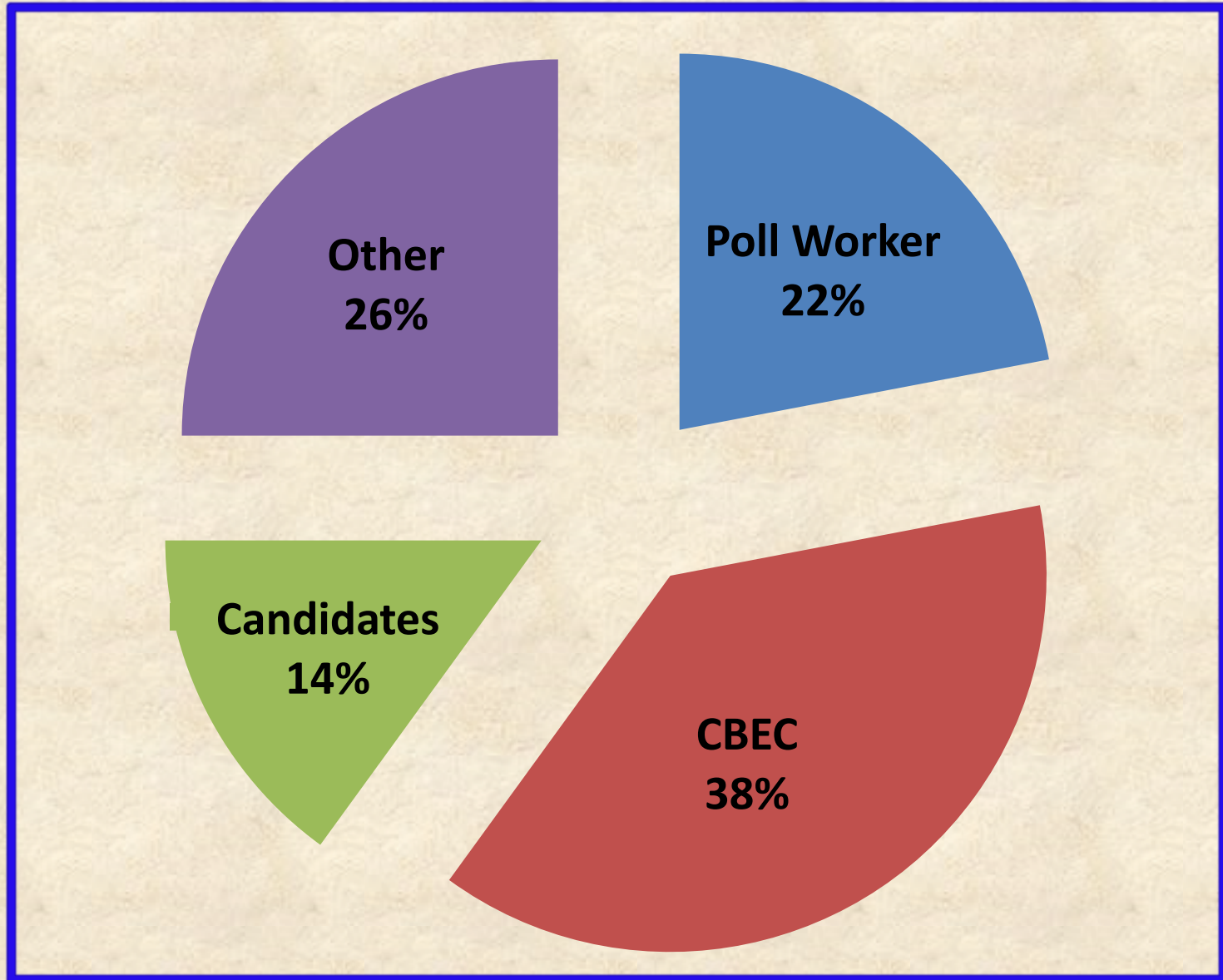
www.sos.arkansas.gov/sbec

info.sbec@sos.arkansas.gov

State Board of Election Commissioners (SBEC)

- ▶ **Conduct statewide commissioner and poll worker/county clerk trainings**
- ▶ **Publish training materials to assist & educate election officials**
- ▶ **Publish handbook for candidates running for office**
- ▶ **Monitor election legislation and compliance**
- ▶ **Make rules to assure fair and orderly election procedures**
- ▶ **Fund primary and statewide special elections**
- ▶ **Examine & approve voting equipment**
- ▶ **Provide assistance to county election commissioners**
- ▶ **Appoint certified election monitors**
- ▶ **Investigate alleged violations of election and voter registration laws, render findings, and impose disciplinary actions**

Complaints in 2014



Additional Resources

SBEC Election Checklists

- ▶ Monitor completion of duties during election process

Secretary of State (SOS) www.sos.arkansas.gov

- ▶ Voting Equipment Selection & Training
- ▶ Voter Registration
- ▶ Candidate Filing and Petitions
- ▶ Tabulation and Certification
- ▶ Election Laws of Arkansas Book and Election Laws Expert

Prosecuting or County Attorney

General Assembly www.arkleg.state.ar.us

Ethics Commission www.arkansasethics.com

Today's Agenda

This training covers the legal requirements of county election commissioners. Specifically this training will address:

- ▶ **CBEC General Info**
- ▶ **Elections Overview (General Info)**
- ▶ **Pre-Election Duties**
- ▶ **What to expect on Election Day**
- ▶ **Election night and post election**
- ▶ **School & Special Elections**
- ▶ **Lessons learned from 2014**
- ▶ **New legislation**
- ▶ **Reimbursement**

County Board of Election Commissioners

▶ Composition

- Elected in January of every odd year by county committee
- Must meet by 2/28 of odd year to hold organizational meeting and elect a chair ([See Act 1042](#))

▶ Financial Disclosure

- Must file w/ SOS by January 31 of every year

▶ CBECs **MUST:**

- Be a qualified elector
- Be able to read & write English
- Be a resident of the county
- Take oath within 30 days of selection and file with County Clerk
- Attend mandatory training conducted by SBEC



CBEC Restrictions



▶ A CBEC must **NOT**: ([Act 1253](#))

- Participate in the campaign of any candidate seeking election in that county that falls under the CBEC's jurisdiction or authority
 - Manage a campaign
 - Perform labor for a campaign
 - Solicit on behalf of a candidate or campaign
 - Pass out or place handbills, signs, or other literature concerning a candidate's campaign
 - Assist a candidate's campaign at a rally or parade
 - Display candidate placards or signs on an automobile

▶ A CBEC **MAY**:

- Make a financial contribution to a candidate
- Attend a political party's state, district, or county meeting where a candidate or issue advocate speaks as a member of the audience
- Participate in a political party convention



CBEC Restrictions



CBECs still must **NOT**:

- ▶ Be guilty of violating any election law
- ▶ Be a candidate (except county committee) while serving
- ▶ Be a paid employee of any political party or of any candidate running for any office on the county's ballot
- ▶ Be a paid employee of school district holding election
- ▶ Be married or related to a candidate running for office while serving, if an objection is made
- ▶ Be employed by a company doing business with the CBEC

Commission Meetings



- ▶ Only the chair can call a meeting
- ▶ Notice is required
- ▶ 2 concurring votes decide most questions
 - unanimous vote is required for polling place selection and off-site EV locations (except in school elections)
- ▶ **Must keep minutes & file with County Clerk ([Act 1042](#))**
 - w/in 120 days of the meeting or 10 days of the following meeting

ELECTIONS OVERVIEW

ELECTION AND BALLOT TYPES . . . manual pages 21-22

VOTING SYSTEMS GENERALLY . . . manual pages 23-24

CANDIDATE FILING . . . manual pages 26-28

CANDIDATE WITHDRAWAL . . . manual page 32

VACANCIES . . . manual pages 32-36

EARLY & ABSENTEE VOTING . . . manual pages 36-41

Types of Elections

§ Preferential Primary and Nonpartisan General (March 1st)

§ General Primary (Primary Runoff) (March 22nd)

▶ General and Nonpartisan Runoff – Tuesday after 1st Monday in November (November 8th)

▶ General Runoff – Municipal and County ONLY 3 weeks later

▶ Annual School Election – 3rd Tuesday in September OR Tuesday after 1st Monday in November (Act 1281)

▶ Runoff School Election – 3 weeks later

▶ Special Elections – Generally the 2nd Tuesday of any month

§ Special Statewide & Primary Elections

Voting System

- ▶ Voting Machine System
- ▶ Paper Ballot Voting System
 - At least **one** accessible voting machine per poll



- ▶ CBEC is responsible for care and custody of voting equipment generally
- ▶ County Clerk is responsible during early voting



Candidate Filing Information

- ▶ **Party candidates**
 - **Qualifications**
 - Political parties are responsible for determining qualifications of candidates seeking nomination
 - **Filing Requirements during Party Filing Period**
 - File -- Affidavit of Eligibility, Party Certificate, Political Practices Pledge
 - Pay -- Party Filing Fee
 - Certified to CBEC 92 days before Primary (Nov. 30, 2015)
- ▶ **Other candidates also file during party period**
 - **Judges and Prosecutors who pay a filing fee**
 - those filing by petition filed Sep. 10 - 17
 - ▶ **Independent Candidates (non-municipal)**
 - ▶ **Write-In Candidates (except judges and prosecutors)**
 - ▶ **New Party Candidates – candidates are selected by convention**

Candidates Certified to CBEC for General

75 days before the General Election (August 25, 2016)

- ▶ **State Political Party Nominees (and Judges and Prosecutors, if any) are certified to CBEC by the SOS**
 - these are the winners of the Primary or
 - NP Runoff candidates
- ▶ **Independent Candidates**
- ▶ **Write-In Candidates**
 - must also submit notice to CBEC 90 days prior to election
- ▶ **New Party Candidates**
 - must be selected by convention
- ▶ **Other Certifications to CBEC**
 - Proposed Constitutional Amendments (certified list from SOS)
 - Measures (state and/or local)

Candidate Withdrawal

- ▶ **Notice of Withdrawal**
 - **In writing, signed by candidate & acknowledged before an officer**
- ▶ **Candidate withdraws / dies **BEFORE** ballot certification deadline**
 - **Not placed on ballot**
- ▶ **Candidate withdraws / dies **AFTER** ballot certification deadline**
 - **Votes Counted**

Vacancies



- ▶ **Vacancy in Office** (pgs. 34-36)
 - **Occurs in an elective office due to:**
 - **Death, resignation, or other good/legal cause after election to office**

- ▶ **Vacancy in Candidacy for Party Nomination**
 - **Occurs when an unopposed candidate at the primary cannot accept nomination due to serious illness or death**

- ▶ **Vacancy in Party Nomination**
 - **Occurs when a candidate withdraws or dies after certification but wins the primary or runoff**
 - **Vacancy in Nomination can be filled by the party if:**
 - **Vacancy in candidacy for nomination is not filled by convention before primary election; or**
 - **Primary election nominee dies or refuses nomination**

Conducting Early and Absentee Voting

Early Voting:

- ▶ County Clerk conducts early voting
- ▶ CBEC may conduct off-site early voting
- ▶ CBEC must publish notice of dates/times/locations

Absentee

- ▶ **CBEC must:**
- ▶ Deliver ballots:
 - 47 days before most elections
 - 10 days before runoff elections
- ▶ **County Clerk must:**
- ▶ Begin mailing military & overseas ballots 46 days before election
- ▶ Write/Stamp **Authorized Agent/Designated Bearer/Administrator** & write the name & address on the absentee's return envelope when delivered



CBEC is responsible for counting early and absentee ballots

Special Runoff Ballots

- ▶ **Special Runoff** absentee ballot
 - For qualified electors temporarily residing outside U.S.
 - Mailed with March and November ballot – serves as runoff ballot
 - Votes Ranked in order of preference
 - If returned with primary or general ballot, hold for runoff
 - Follow SOS instructions on handling

PRE-ELECTION DUTIES

PRECINCTS/POLLING SITES ... manual pages 43-45

ELECTION OFFICIALS ... manual pages 46-48

PUBLIC NOTICES ... manual pages 48-50

REQUIRED POSTINGS ... manual page 50, 61-62

VOTING EQUIPMENT ... manual pages 57-59

Precincts & Polling Sites

- ▶ Precincts must not exceed **3,000** voters
- ▶ Must designate a polling site for each precinct
 - Same as **last general election**
 - Requires **unanimous vote** of commissioners present (except school elections)
 - Must not be changed within **30 days**
- ▶ Reduction/No Poll
 - **No opposed** races & no other ballot issues (can apply to all elections **except General** and **Runoff** elections)
- ▶ Polling Place Consolidation
 - CBEC must vote to consolidate at least **30 days** before election (plan ahead for potential runoffs)
- ▶ Vote Centers
 - Election day poll where any voter in the county may vote

Selecting Poll Workers

- ▶ **Selected & appointed at least 20 days before the election**
- ▶ **Minimum 4 poll workers per poll**
 - **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.**



Poll Worker Qualifications

▶ POLL WORKERS **MUST**:

- Be a qualified elector
- Be able to read & write English
- Be a resident of the precinct

▶ For regularly scheduled elections, all poll workers **MUST ALSO**:

- Have attended training conducted by a certified trainer; and
- at least 1 poll worker at each polling site must have received the required training within 12 months of the regularly scheduled election



▶ POLL WORKERS **MUST NOT**:

- Be guilty of violating any election law
- Be a candidate while serving
- Be a paid employee of any political party or of any candidate running for any office on the county's ballot
- Be married or related to a candidate running for office while serving, if an objection is made



Public Notices & Postings

▶ Public Notices (*pgs. 48-50, 57*)

- Drawing for Ballot Position (at least 3 days before public meeting)
- Voting Machine Preparation (before beginning prep)
- Public Test for Voting Machines & Electronic Vote Tabulating Devices
- Voting Machine Demonstration
- Notice of Election



▶ Postings (*pg. 50, 61-62*)

- List of Appointed Election Officials
- Nominations/Amendments/Measures/Questions
- Notice to Voters of Polling Site Changes
- Required Postings at Poll



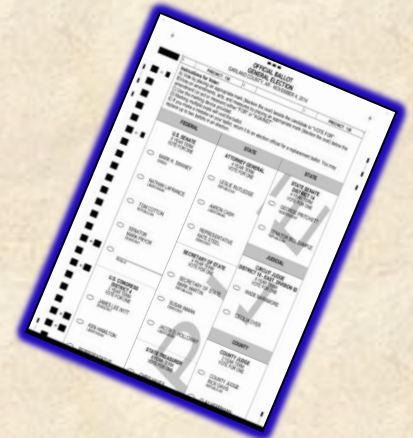
Ballot Names & Positions

- ▶ List of Party Candidates Certified to CBEC
 - From SOS and County Clerk, as case may be
 - The form of candidate names and titles to be used on the ballot are listed on the Political Practices Pledge

- ▶ Ballot Draw to Determine Order of Candidate Names
 - **ALL** Candidates - **BY LOT** – at public meeting

- ▶ Verify accuracy and Certify
 - **Review, Review, Review**
 - Then review again before delivery to County Clerk for absentee voting

- ▶ Ballot Errors or Omissions
 - Hold public meeting & announce errors or omissions
 - Correct errors or omissions or state why not



Voting Machines & Materials

► CBEC responsibilities

- Preparation – Voting machines and tabulating devices
- Programming
- Preparation and certification of ballot styles
- Testing
- Delivery of Equipment
- Delivery of Ballots, Supplies, Forms, & Postings



Testing

(pgs. 57-58)

▶ L & A Testing

■ Both Voting Machines and Tabulating Devices

- At least **7 days before** voting begins
- Errorless Count
- Certify accuracy of system & file results w/ County Clerk & SOS

▶ Public Test

■ Both Voting Machines and Tabulating Devices

- Must publish notice in newspaper at least **48 hours prior**
- Open to public, political parties, candidates, and media



Certification of Logic and Accuracy Testing Results

TRANSMITTAL PAGE TO SECRETARY OF STATE

**** Completion Required at least Seven (7) days before Early Voting**

Name of County: _____

Name of the Election: _____

Date of the Election: _____

Logic & Accuracy Certification Date: _____

ERM Report created Date: _____

Upload to SoS ENR Date: _____

Date filed with County Clerk: _____

Date filed with SoS: _____

I certify that each one of the voting systems for the above named election has been properly tested in accordance with Ark. Code Ann § 7-5-515 in that:

- A group of test ballots were pre-audited to predetermine the number of valid votes for each candidate and each measure, and each candidate received at least one(1) vote for each ballot style;
- One (1) or more of the pre-audited test ballots were over-voted (they contained votes in excess of the number allowed by law), for each office, and for each ballot style, or an over-vote was attempted on each machine, for each office, and for each ballot style;
- The pre-audited test ballots were voted on each voting machine and each item of media used for the election was tabulated using the appropriate ERM (Election Reporting Manager);
- The voting system rejected the over-voted ballots or otherwise denied an attempted over-vote;
- The cause of any error was determined, corrected, and resubmitted;
- An errorless count was made before approving each voting machine, and each item of media;
- The County successfully uploaded test results from ERM to SoS ENR.

I further certify that upon completion of testing:

- This certification was filed with the county clerk attesting to the accuracy of the voting system;
- The ballots and programs were sealed;
- The ballots and programs used will be retained and disposed of as provided by law; and
- The County Board of Election Commissioners met in a public meeting and approved the results, as recorded in the minutes of the County Board of Election Commissioners.

Under penalty of perjury, I state that the information contained in this Certification is true and correct.

Signature of Election Commission Chair: _____ Date: _____

Signature of County Clerk: _____ Date: _____

ELECTION DAY

POLL WORKER RESOURCES . . . manual page 63 -64

POTENTIAL ELECTION DAY PROBLEMS . . . manual pages 64-73

POINT OF EMPHASIS . . . voter id

CLOSING THE POLL . . . manual pages 74-76

Poll Worker Resources

- ▶ **You**
 - **CBEC should be available to poll workers on election day**

- ▶ **Quick Guides**
 - **Voter ID**
 - **Fail-Safe voting**
 - **Provisional Ballots**
 - **Assistance**
 - **Spoiled/Abandoned Ballots**
 - **Absentee Canvassing**

- ▶ **Training Guide & Checklist for Poll Workers** (*6 per poll from SBEC*)
 - **Identifies:**
 - **Tasks performed before opening poll**
 - **Necessary supplies and forms to be completed**
 - **Legally required postings**
 - **Procedures during voting hours**
 - **Tasks for closing & departing the poll**

Potential Election Day Problems

- ▶ Timely opening of poll
- ▶ Voting machine issues
 - Poll worker must forward complaints to CBEC & CBEC must investigate and forward complaint to SOS (see *Voter Complaint Form*)
- ▶ Electioneering
- ▶ Ballot security & secrecy
- ▶ Voter Assistance
- ▶ Cross-over Voting
- ▶ Poll Watchers
- ▶ Provisional Voting



NO VOTER SHOULD BE TURNED AWAY

Potential Election Day Problems

- ▶ **Spoiled Ballots**
- ▶ **Abandoned Ballots**
- ▶ **Persons Allowed in Polls** (*pg. 73*)
- ▶ **Exit Pollsters**
- ▶ **News Photographers**
- ▶ **Electronic Devices Used
by Poll Workers**
- ▶ **Closing the Polls** (*pg. 74-76*)



Point Of Emphasis - Voter Id

- ▶ Poll workers **MUST ASK** for ID from **ALL** voters [A.C.A 7-5-305(a)(8)(A)]
- ▶ Poll workers should **not ask for a specific form** of ID such as a Drivers License. **Just ask generically for ID!**
- ▶ If a voter does not show identification then the poll worker indicates this on the poll book & the voter votes a **REGULAR** ballot
- ▶ Requirement for certain **FLAGGED VOTERS**
 - Flagged voter must present current/valid identification or vote provisional
 - Valid forms include: a current and valid photo ID 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
 - Usually first-time voters who register by mail & don't provide ID w/ VR

CANVASSING AND COUNTING

CANVASSING, COUNTING & UNOFFICIAL RESULTS

... manual pages 77-82

EARLY AND ABSENTEE BALLOTS . . . manual pages 78-80

RECOUNTS . . . manual pages 83-85

FINAL CERTIFICATION . . . manual pages 88-90

ELECTION CONTESTS . . . manual pages 90-91

PRESERVATION OF EQUIPMENT & MATERIALS

... manual pages 91-93

Canvassing, Counting & Unofficial Results

- ▶ **Open to Public**
- ▶ **Central Counting Location**
- ▶ **CBEC MUST:**
 - **Compile electronic countywide totals from election media**
 - **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** for state & federal elections, including a count of outstanding UOCAVA ballots & provisional ballots**
 - **Report **PRECINCT** results to the SOS via the election night reporting interface**

Counting Write-Ins & Provisional Ballots

▶ Write-Ins

- No write-ins in primaries
- Write-ins are counted in the general election
- No write-ins in presidential or municipal races

▶ 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 all provisional voters by first class mail

- Whether ballot counted - Reason not counted - Date, time, & place for hearing

Processing and Counting Early and Absentee Ballots

- ▶ Early & Absentee votes are processed & counted by election officials
 - open to public, media, candidates, authorized poll watchers
 - must report count no later than **30 minutes after** polls close
- ▶ Absentee Ballots – CBEC compares application & voter statement
 - name/address/D.O.B./signature
- ▶ Count Overseas Absentee Ballots if
 - received by County Clerk **by 5:00 p.m. 10 days after** the election
- ▶ CBEC determinations for bearer/agent/administrator ballots:
 - Consider ballot as **PROVISIONAL** if
 - returned by a bearer/agent/administrator and the name/address written on the envelope by the county clerk **DOES NOT MATCH** the voter statement
 - **DO NOT** count ballots if
 - returned by a bearer/agent/administrator and the bearer/agent/administrator **IS NOT NAMED** on the voter statement



Recounts & Declaring Nominees/Winners

RECOUNTS

- ▶ Conduct recount if requested timely by candidate or on [motion of CBEC](#)
 - Within 2 days of reporting unofficial results in most cases
 - Before certification if the number of outstanding overseas absentee ballots could dictate the outcome
- ▶ **Candidate** requesting recount
 - Pays before conducted - 1 recount per candidate per election
 - Cost - no more than **25¢ per vote cast or \$2,500** for the whole county
- ▶ Certify results of last recount

WINNERS

- March Primary candidates – majority votes to be nominee
- Judicial and Prosecutor offices – majority votes
- General elections - win by plurality (except some municipal & county races)
- **Municipal races only** - general election runoff trigger (40%)



Certifying Results for State and Federal Elections

Reminder: Conduct a provisional voter hearing **before** certifying

▶ Certified Official Results

- Transmit electronically to SOS
- Sign & mail hard copy of abstract of returns to SOS
- Between 48 hours and 10 days after:
 - March primary and runoff
- Between 48 hours & 15 days after November General

▶ Election Contests

- May be filed in court by a candidate or 10 citizens within 20 days **after certification**

Preserve Election Materials & Equipment

- ▶ Secure voting machines, audit logs, and VVPATs
- ▶ Preserve ballots, certificates, and all other election materials in a secure location in the courthouse or other secure storage facility
- ▶ Seal ballots – DO NOT OPEN except by court order
- ▶ Destruction of Election Related Material
 - Felony to destroy -- Keep everything
 - Ballots, stubs, voter statements, absentee ballot lists & applications, ENVELOPES and other ballot related material



SCHOOL & SPECIAL ELECTIONS

SCHOOL ELECTIONS . . . manual pages 97-101

SPECIAL ELECTIONS . . . manual pages 102-106

School Elections

▶ Polling Sites

- Established by **majority vote** of CBEC (consult w/ school district)
- Located within a school district
- Contested school election in a district in multiple counties
 - One polling site in each county if the school district is within a city of the 2nd class or larger
- If ALL candidates **unopposed** and **NO proposed change** in millage AND if **requested** by School Board by resolution, the CBEC may:
 - Open **ONLY 1** poll;
 - Open **NO** poll and conduct by absentee & early voting **ONLY**

▶ Election by Candidate (*Act 1244*)

- Only applies if ALL candidates are unopposed and millage election has already occurred for the year

School Elections

- ▶ **School District Board of Directors' Required Publications**
 - **Public Notice of Election and Polling sites**
- ▶ **Ballots provided by CBEC**
 - **Order of names of candidates determined by lot**
- ▶ **CBEC Certification**
 - **No earlier than 48 hours and no later than 10 days after election**
- ▶ **Runoff Election**
 - **No candidate receives majority of votes or tie vote**
- ▶ **Election Expenses**
 - **Each school district pays for its poll workers**
 - **Districts reimburse county remaining costs based on formula**



Special Elections

Special elections are called to fill vacancies or approve measures

- ▶ **Calling Document**
 - **Vacancies in state/federal/district office OR State measures**
 - **Filed with SOS**
 - **Vacancies in local offices OR Local measures**
 - **Filed with County Clerk**
 - **Immediately transmitted to CBEC where special election to be held**
 - **Published in newspaper of general circulation**

- ▶ **Held on second Tuesday of the month (generally)**
 - **Third Tuesday if conflicts w/ Holiday**
 - **Fourth Tuesday in June of even-numbered years**
 - **If **ONLY** 1 candidate and no other office or issue on ballot:**
 - **May open **ONLY** 1 poll or, open NO poll & conduct by absentee & early voting**

Special Elections

▶ **When Held at Primary**

- Any special election candidates, special election issues, and special primary election candidates are included on the party ballot and labeled
- Only the special election candidates and/or issues are included on the nonpartisan ballot

▶ **When Held at General**

- Any special election candidates, special election issues, and special primary election candidates are included on the ballot and labeled

ENFORCING ELECTION LAWS

ENFORCING ELECTION LAWS . . . manual page 93-94

COMPLAINTS FROM 2014

LEGISLATIVE CHANGES FROM 2015

Enforcing Election Laws

▶ CBEC

- Investigate written complaints about voting machine malfunction and forward to SOS
- 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

▶ SBEC

- Election Monitors – SBEC is required to have one per congressional district to monitor election process and report observations to Board
- Written complaints of election law violations

Complaints from 2014

- ▶ Failure to post notice of poll changes
- ▶ Failure to notify voters of poll changes
- ▶ Failure to properly notify public of time and place for processing and counting early and absentee ballots
- ▶ Failure of CBEC chair to notify members of meetings
- ▶ Failed to publish notice of testing
- ▶ CBEC conducts early voting during hours not allowed by law
- ▶ All required materials not posted at polls
- ▶ Improper person allowed to transport voting materials

Complaints from 2014

- ▶ **Poll workers failed to post results after polls closed**
- ▶ **Improper assistance**
- ▶ **Electioneering**
- ▶ **Voter ID**
- ▶ **CBEC failed to make and keep minutes**
- ▶ **CBEC certified ballot without receiving certified list from clerk**
- ▶ **CBEC established polls without unanimous vote**
- ▶ **CBEC delegated too much authority to coordinator and failed to meet**

LEGISLATIVE CHANGES - 2015

19 Acts from two sessions of the 90th General Assembly

<http://www.arkleg.state.ar.us>



Election Date Changes

▶ *Act 4 of First Ex. Session*

- Preferential Primary is now **March 1, 2016**
- General Primary (runoff) is now **March 22, 2016**
- Candidate filing is **November 2nd – 9th**
- Ballot Draw Deadline is **December 3rd**
 - Remember to publish notice at least 3 days before date of ballot draw
- Ballots due to county clerk by **January 14th**
- Special Elections in June are still held on the 4th Tuesday

▶ *Act 1281 of 2015*

- School Election is the third Tuesday in September every year or the *first Tuesday after the first Monday in November (same time as the General Election)*

More Acts

- ▶ **ACT 26 - WRITE-IN FILING DEADLINE**
 - Candidate must notify CBEC of candidacy at least 90 days before Election Day

- ▶ **ACT 340 - INDEPENDENT CANDIDATE PETITIONS**
 - Petition for candidacy for federal (*except president/vice president*), state, county, township or district office must be prescribed by SOS. Candidates must also file an affidavit w/ the petition.

- ▶ **ACT 1042 - ELECTION OFFICIALS, VOTE CENTERS, MEETINGS**
 - Amends the definition of election official, to include deputy county clerks, persons “assigned by a county clerk to conduct early voting,” and persons who perform “election coordinator duties”
 - Removes county clerks from conducting election-day vote centers
 - Requires election commissions to file minutes of election commission meetings “within the sooner of ..120 days of a meeting or ...10 days of the following meeting”

- ▶ **ACT 1063 – CITIZEN’S RIGHT TO OBSERVE AND RECORD PUBLIC EVENTS**
 - A public official /employee may not prohibit a person from recording events in a place that is open to the general public

And More

▶ ACT 1166 - VOTE FRAUD FELONIES

- Makes it a class C felony to apply for/submit an absentee ballot if the voter knows that they are “unlawfully applying for or unlawfully submitting the absentee ballot,” it also creates a Class D felony of “criminal impersonation in an election,” if a person “knowingly” impersonates another person in attempting to vote

▶ ACT 1244 - ELECTION BY CANDIDATE

- Gives the option to hold an “election by candidate” for unopposed candidates in a special election to fill a vacancy in a municipal office or in a school board election
 - candidate can cast a ballot for himself “at a designated time and location”
 - must publish notice of “election” and that no polling places will be open
 - candidate shall be declared elected when they cast a ballot
 - only applies in school elections if **ALL** candidates are unopposed **AND** millage election has already occurred for the year

▶ **ACT 1218 - VOTING EQUIPMENT**

- **Redefines “marking device” & “voting machine”**
- **Requires the CBEC to publish newspaper notice of the times/places voting machines will be exhibited to the public**
- **Requires complaints by voters about voting machines be forwarded to SOS**
- **Distinguishes logic & accuracy testing from public testing & requires notice of public testing**
- **CBEC certifies accuracy by sending a copy of the electronic results to SOS and filing the results with the county clerk**

▶ **ACT 1253 - THE ELECTION COMMISSION INTEGRITY ACT**

- **Adds disqualifying campaign activities by CBEC members (previously discussed)**
- **Requires County Clerks or designee to attend SBEC training**
- **Makes changes to the SBEC Complaint process**

Still More Acts?

- ▶ **Act 222 - City Manager Mayor Vacancy**
 - **Repeals the requirement that a city director in a city manager form of government city resign from the board in order to run for mayor.**

- ▶ **Act 339 - Mayor Vacancies City of the First Class Mayor/Council**
 - **Allows the city council to appoint a new mayor to fill a vacancy if there is less than 1 year (instead of 6 months) left in the term. Also provides that a city council may appoint a person to fill a vacancy in mayor's office when a special election has been called and there is more than one year left in the mayor's term (instead of 6 months).**

▶ **Act 384 - City Administrator Mayor Vacancy**

- **Prior law requires a special election if the vacancy occurs more than 6 months before the end of the term. This act allows the city board to choose to appoint a person to fill the vacancy for the entire term, regardless of the timing of the vacancy, or call for a special election.**

▶ **Act 564 - Local Option Elections in Defunct Voting Districts**

- **History: Defunct voting districts are municipalities, townships or precincts within wet counties that voted dry many years ago and records of the boundaries of the municipality, township or precinct are lost. Election commissions are mandated under prior law to determine the boundaries of such defunct voting districts.**
- **This act changes from 38% to 15% of registered voters the number of signatures on a petition to have local option election in a defunct district. The county clerk has 10 days to count the signatures. The act also adds hard liquor to the kinds of alcoholic beverages that may be sold within the defunct district that votes back wet and limits sales to within city limits of a city of the first or second class.**

▶ **Act 742 - Run for More than One Federal Office Simultaneously**

- **Provides that a person can be a candidate for more than one federal office (Congress, Senate, President, and Vice President) in the same primary or general election.**

▶ **Act 843 - School Board Vacancies**

- Provides a procedure for the school board to determine and declare a vacancy when a school board member misses meetings or moves from the area, and for the board (or, in some circumstances, the quorum court) to make appointments to fill those vacancies.

▶ **Act 1036 - Ballot Questions Wording**

- Requires ballot language for referenda by petition in municipalities and counties to be phrased as a vote regarding the “repeal” of the measure (For Repeal/Against Repeal), rather than for its “approval or rejection” as previously statutorily required (at least for counties).
 - Measures passed by a quorum court or city council and referred to the voters by the governing body itself (instead of by petition) would continue to use the approval/rejection language.
 - The act does not address this issue with regard to state referenda, which would still use approval/rejection language for all measures, whether referred by the legislature or by petition. See A.C.A. § 7-9-117(b).

▶ **Act 1093 - Time for Circulating Municipal Initiative and Referendum Petitions**

- Provides a 60-day circulation period for municipal referendum petitions (except for municipal bond referenda).

▶ **Act 1175 – Concealed Weapons in Polls**

- Repeals the prohibition against carrying a concealed handgun in a polling place.

REIMBURSEMENT

ELECTION EXPENSES . . . manual pages 94-96

**SBEC RULES ON STATE-FUNDED EXPENSES . . . at
www.arkansas.gov/sbec/rules**

Election Expenses

- ▶ **SBEC reimburses county for:**
 - **March preferential primary/nonpartisan general & March primary runoff elections**
 - **Statewide special and special primary elections**
- ▶ **County pays for general elections**
 - **Portion reimbursed by cities/towns where held**
- ▶ **School districts pay for annual school elections**
- ▶ **Special elections**
 - **City/incorporated town calling for municipal election pays**
 - **County pays for all other special elections**
 - **SBEC reimburses for special primary and statewide special elections**
- ▶ **SBEC Advanced Funding**
 - **March preferential primary and statewide specials ONLY**



Poll Workers & Extra Help Pay

- ▶ **SBEC Poll Worker reimbursement:**
 - **Proposed Rule Change would allow up to 14 hours @ min. wage**
 - average of 6 workers per precinct
 - **Minimum hourly wage for off-site early voting poll workers**
 - **Overtime for offsite early voting poll workers, if required by law**
 - **Extra \$25 for attending training (must work March Primary election)**

- **SBEC Extra Help reimbursement:**
 - **For delivery & return of ballots, election materials, & returns**
 - **One extra deputy to County Clerk for absentee & early voting**

- **SBEC does NOT reimburse:**
 - **Permanent County Employees (full or part-time)**
 - **Poll worker travel to and from the poll**
 - **Untrained poll workers**

Election Commissioners Pay

▶ SBEC reimburses:

- CBEC public meetings (including Election Day)
- Up to \$100 per public meeting per commissioner
- Maximum 10 public meetings per commissioner per state-funded election
- Mileage for delivery of election equipment or materials

▶ Reminder:

- All public meetings require press notification; and
- Minutes must be filed

▶ SBEC does **NOT** reimburse:

- Commissioner mileage to attend public meetings

Polling Place Supplies & Programming Costs

▶ SBEC Supply reimbursements:

- Disposable supplies defined by rule
- Must submit receipts/invoices or other supporting documentation
- Must **ONLY** claim quantities applicable to the specific election

▶ SBEC Programming reimbursements:

- Labor for programming voting machines & tabulating devices
- Labor for testing voting machines & tabulating devices (Maximum \$25/hour)
- Contracted technical support – max of \$1,080 per election

▶ SBEC does **NOT** reimburse:

- Disposable supplies such as batteries/copier toner/printer cartridges/binders
- Non-expendable equipment and supplies
 - Voting booths or metal signage -- Outlet strips or extension cords
- Book binding, training material copies, phone lines, internet, toilet or furniture rental, food
- 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 the total number of registered voters
 - **Voting machine counties**
 - 1.5 times number of voters voting on paper ballots at last preceding comparable election, up to max of ½ of the total number of voters voting at last preceding comparable election
- ▶ SBEC does **NOT** reimburse:
 - Reruns due to county or vendor error or printing overages

Legal Advertising Costs

▶ SBEC reimburses:

- 2 publications of public notice of election
- 1 publication of notice of voting machine preparation
- 1 publication of notice of the public testing of voting machines & tabulating devices
 - Notice of machine preparation and the public test can be combined into one notice
- 1 publication of notice of ballot position drawing (March primary & special primaries only)
- 1 publication of calling document (statewide & special primary elections only)
- Must provide invoices and proof of publication

Facility Fees & Other Expense Considerations

- ▶ **SBEC Facility Fee reimbursements:**
 - **\$40 per election day polling site**
 - **\$40 per day per off-site early voting polling site**
 - **Maximum of \$4,000 per county per state-funded election**
 - **County must provide SBEC with facility invoices**
 - **Facility must actually request payment**

- ▶ **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**



Contact Info

State Board of Election Commissioners

501 Woodlane Dr., Suite 401 N

Little Rock, Arkansas 72201

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

FAX (501) 682-1782

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

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

The SBEC is 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.