

INTERIM TRAINING FOR NEW ELECTION COMMISSIONERS

Basics for Beginners

THANKS FOR SERVING!

- This presentation provides a brief overview of your responsibilities as a county election commissioner and points you to resources to help find answers for many questions about your job.
- This is not comprehensive training. The State Board will provide comprehensive training for county commissioners in the coming months. Hopefully, this presentation provides information you need now to get your bearings as a commissioner.
- Thank you for your service as an election commissioner. We at SBEC look forward to working with you to ensure fair, efficient, and accurate elections.

RESOURCES

- County Election Commissioner Manual published by the State Board of Election Commissioners
- Poll Worker Training materials published by the State Board of Election Commissioners
- FAQ's and Legislative Summaries on the State Board of Election Commissioners Website
- Election laws of Arkansas issued by the Secretary of State's Office
- ES&S training materials provided by the Secretary of State
- Your county prosecutor or county attorney may assist with legal issues

STATE CONTACT INFO

- *State Board of Election Commissioners (SBEC)*
<http://www.arkansas.gov/sbec/>

501-682-1834

800-411-6996

- *Secretary of State (SOS)*
<http://www.sos.arkansas.gov/Pages/default.aspx>

501-682-5070

800-482-1127

COUNTY ELECTION COMMISSION COMPOSITION

- The county board of election commissioners (we'll refer to it as the election commission) is composed of members elected by the recognized political party county committees.
- Now that the Republican Party is the majority party by virtue of its candidates winning a majority (actually, all) of the constitutional state offices, the Republican county committee elected two commissioners in January.
- The Democratic county committee elected one member in January.

CBEC – TERMS AND RESTRICTIONS

The members of the election commission are elected by their respective committees in January of odd-numbered years and serve until replaced by their county committees.

CBECs MUST:

- Be a qualified elector,
- Be able to read & write English
- Be a resident of the county
- Attend training conducted by SBEC

CBEC – TERMS AND RESTRICTIONS

CBECs 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

cont'd on next slide

CBEC – TERMS AND RESTRICTIONS

CBECs ALSO 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 MEMBER OF THE COUNTY BOARD 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

MEETINGS

- Meetings of the election commission are at the call of the chair and the chair must notify the other two members.
- Meetings are open to the public and notice must be provided to anyone who has requested it.
- The commission operates as a body; it takes two votes to decide most issues, a few must receive a unanimous vote of all commissioners present.

COMPENSATION

- You will receive at least \$25 per meeting or whatever higher amount the county allows. For primary elections and statewide special elections, which are paid for by the state, your county can be reimbursed for up to \$100 per meeting.

MAJOR DUTIES OF CBEC

- Establish polling sites
- Appoint poll workers and provide for their training
- Draw for ballot position
- Prepare and print ballots
- Prepare and test voting equipment
- Publish notices
- Get materials, ballots and machines to and from the polls
- Oversee vote counting
- Conduct recounts when required
- Certify votes
- Redistrict Justice of the Peace districts (every 10 years after census)

DUTIES OF CBEC: POLLING SITES

- CBEC must establish precincts and must designate a polling site for each precinct
 - A poll may serve two or more precincts or parts of precincts
- Same as last general election
 - Accessible to voters with disabilities
 - Designation of polls requires unanimous vote of commissioners present
 - Except school elections (majority vote)
- Must not be changed within 30 days of an election except in event of emergency
- If changed within 15 days of an election, notice must be posted at the affected poll rather than mailing the notice to all affected voters

DUTIES OF CBEC: SELECTING POLL WORKERS

- POLL WORKERS MUST:
 - Be a qualified elector
 - Be able to read & write English
 - Be a resident of the precinct
 - Be trained before a regularly scheduled election
 - One poll worker at each polling site must be trained within 12 months of a 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
- All poll workers at each poll on election day must be trained

DUTIES OF CBEC: BALLOT POSITIONS & FINALIZE BALLOT ORDER

- DETERMINE ORDER OF CANDIDATE NAMES
 - ALL Candidates - By lot – At public meeting
 - Do *not* just take certified list from SOS and use it for ballot order of state and federal candidates
- VERIFY ACCURACY AND CERTIFY
 - 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

DUTIES OF CBEC: PUBLIC NOTICES

- 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)
- Notice 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
 - (20 days before primary & general)
 - (10 days before runoff and specials)
 - (Second publication 5 days before each)

DUTIES OF CBEC: POSTINGS

- List of Appointed Election Officials
 - 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
- Additional postings required inside each poll

DUTIES OF CBEC: COUNTING AND CERTIFYING VOTES

Counting & Unofficial Results

- Open to Public
- Central Counting Location
- CBEC MUST - Compile electronic countywide totals and declare preliminary & unofficial results **on election night** for state & federal elections
 - Report results by **precinct** to the SOS via the election night reporting interface

Certified Official Results

- Transmit electronically to SOS
- **Sign and mail** hard copy of **abstract of returns** to SOS
- Between 48 hours and 10 days after:
 - **March** preferential primary/nonpartisan general & **March** primary runoff
- Between 48 hours & 15 days after November General/Nonpartisan General Runoff

ELECTIONS

- *General Election* is the Tuesday after the first Monday of November in even-numbered years
- *General Election Runoff* is three weeks after the general election to vote for *municipal and county* candidates who do not receive enough votes in the general election to avoid a runoff
- *Preferential Primary* is held three weeks before the **Fourth** Tuesday in **March** of even-numbered years for parties to choose their nominees **(March 1, 2016)** (Act 4 of 1st Ex. Session)
- *General Primary (runoff)* is the **Fourth** Tuesday in **March** of even-numbered years **(March 22, 2016)** (Act 4 of 1st Ex. Session)
- *School Election* is the third Tuesday in September every year or the same time as the General Election (Act 1281 of 2015)
- *Generally speaking, Special Elections* must be held on the second Tuesday of a month
 - *Measures*
 - *Special Elections to Fill Vacancies*

COORDINATOR DUTIES

- In some counties, an election coordinator assists the commission. The coordinator may oversee, for instance, the preparation of ballots and voting machines, contact poll workers, set up polling places, hire people to deliver election materials, and perform other duties assigned by the commission. A coordinator may also have an office provided by the county and sometimes (in larger counties) have assistants.
- In some counties the county clerk's office handles these chores. In some counties the commission fulfills these responsibilities on its own. All commissions work within the confines of a budget the county's quorum court provides.
- The issue of whether there will be a coordinator is usually a budgetary issue that is decided by the quorum court. Coordinators are county employees who technically work for the county judge.
- Regardless of the administrative functions that someone other than the election commission may perform, it is the responsibility of the commission to see that it meets its statutory obligations.

ROLES OF STATE AGENCIES

THE SECRETARY OF STATE

- Files candidates for federal, state and district offices and certifies those candidates to the county commissions
- Runs the statewide voter registration system
- Selects and trains on voting systems
- Maintains expenditure and contribution forms as well as other filings required by the Arkansas Ethics Commission and state law
- Provides a staff of experts to answer procedural questions concerning elections and aid candidates in filing for office
- Provides personnel and materials for voter education
- Prescribes absentee ballot applications, voter registration forms, and petition forms for certain offices

ROLES OF STATE AGENCIES

THE STATE BOARD OF ELECTION COMMISSIONERS

- Trains election commissioners
- Prescribes the curriculum for training poll workers
- Trains individuals from each county to train their poll workers
- Publishes the election commissioners procedures manual, a candidate handbook (in conjunction with Secretary of State and the Ethics Commission), and training materials for poll workers and poll worker trainers
- Reimburses counties for the cost of primary elections and statewide special elections
- Adjudicates complaints of election law violations
- Adopts rules and regulations regarding voter registration, training, complaint procedures and election procedures
- Certifies and appoints monitors at polling places when deemed necessary
- Assists county commissioners in the performance of their duties when requested

ROLE OF THE COUNTY CLERK

Among other things, the County Clerk:

- Registers voters in the county
- Files candidates for local offices and certifies those candidates to the election commission
- Files expenditure and contribution reports for local candidates
- Conducts early voting and absentee voting

ELECTION DAY

- Potential issues with ballots, machines, poll workers, poll watchers, voters, and the press are generally dealt with directly by the election commission or their designee (e.g. a coordinator)
- Tabulate votes from the polls to determine winners
- Oversee processing and counting of early and absentee ballots – must be done during election day and initial results reported to SOS by about 8:00 p.m.
- Process and count provisional ballots
- Make sure preliminary results get entered into Secretary of State's Website

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 a district in multiple counties:
 - CBEC of domicile county designates at least 1 polling site in each county with a school district containing a city of the 2nd class or larger
 - Consult with school district on number and location of polls
- REMEMBER - ELECTION COMMISSIONER & POLL WORKERS **CANNOT**
 - Be paid employees of school district holding election

SCHOOL ELECTIONS

- School District Board of Directors' publishes the public notice of election
- Ballots are 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 at annual election
 - Tie vote exists at annual election
 - Candidate receiving majority vote at runoff declared elected
 - Tie at runoff -- Winner determined by lot in public meeting
- Election Expenses
 - Each school district pays for its poll workers
 - School districts reimburse county remaining costs based on formula

SCHOOL ELECTIONS

If **ALL** candidates are unopposed and **NO** proposed change in millage **AND** if requested by School Board by resolution, the CBEC may:

- Open ONLY 1 poll; or
- Open NO poll and conduct by absentee & early voting ONLY
- You may also conduct the election using only paper ballots counted by hand & NO voting machines
- Conduct an Election by Candidate *[Act 1244]*
 - *Only applies if ALL candidates are unopposed and millage election has already occurred for the year*

SPECIAL ELECTIONS

SPECIALLY SCHEDULED ELECTIONS

- Fill vacancies **and/or** approve measures or questions called by appropriate authority

CALLING DOCUMENT

- Proclamation – Ordinance – Statute – Resolution – Order -- Other
- Vacancies in state/federal/or district office OR State measures/questions
 - Filed with SOS

Vacancies in local offices OR Local measures or questions

- Filed with County Clerk
- Special Election for measures/questions may not be held less than 60 days (or 70 if held w/primary) after calling document is filed with county clerk

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
- May use paper ballots counted by hand & **NO** voting machines

AFTER ELECTION DAY

- Recounts
- Hearings (rare) for provisional voters whose votes are denied
- Certification to Secretary of State for federal state and district offices
- Certification of all election results
- Certificates of Election to local winners
(does not apply to Primary Elections)

ELECTION ISSUES

Types of complaints adjudicated in 2014 cycle:

- 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

ELECTION ISSUES

- 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
- Poll workers failed to post results after polls closed

ELECTION ISSUES

- 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

NEW LEGISLATIVE 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

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

NEW LEGISLATIVE ACTS

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

NEW LEGISLATIVE ACTS

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
- Distinguish logic & accuracy testing from public testing & requires notice of public testing

ACT 1253 - THE ELECTION COMMISSION INTEGRITY ACT

- Adds disqualifying campaign activities by CBEC members
- Requires County Clerks or designee to attend SBEC training
- Makes changes to the SBEC Complaint process & the access to public records

Act 4 (1st Extra. Session) – PRIMARY/RUNOFF/CANDIDATE FILING DATE CHANGE

- Changes Primary/Runoff dates to March & Candidate Filing dates to November

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>