

Legislative Update



State Board of Election Commissioners

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Legislative Update

- This presentation provides a brief overview of newly enacted legislation from the 2015 Regular and First Extraordinary Sessions of the General Assembly;
- Lessons learned from 2014; and
- School Election Reminders.

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)*

New CBEC Restrictions – Act 1253

CBECs must not:

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

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

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 Initiative and Referendum Petitions in City Manager Form Cities

- 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.

Upcoming Training for '16 Elections

County Election Commissioner Training:

<u>Date (2015):</u>	<u>Location:</u>
October 6 th	Little Rock
October 9 th	Hot Springs
October 12 th	Clinton
October 14 th	Forrest City
October 16 th	Pine Bluff
October 19 th	Jonesboro
October 21 st	Fayetteville
October 26 th	Hope
October 28 th	Monticello
October 29 th	Little Rock

Poll Worker Certification & County Clerk Training:

<u>Date (2015):</u>	<u>Location:</u>
October 23 rd	Fort Smith
October 27 th	Little Rock
November 10 th	Harrison
November 12 th	Batesville
November 16 th	Monticello
November 18 th	Little Rock
December 1 st	Forrest City
December 3 rd	Hope

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

- 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

School Election Reminders

- CBEC members and poll workers **CANNOT**
 - Be paid employees of school district holding election
- School District Board of Directors publishes the public notice of election
- 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

Contact Info

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