



STATE BOARD OF ELECTION COMMISSIONERS

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MEMORANDUM

TO: County Board of Election Commissioners
FROM: SBEC Staff
DATE: June 9, 2017
SUBJECT: 2017 Legislative Summaries

[ACT 47/ House Bill 1050:](#)

Ballot Order for Local Boards of Community Colleges

The purpose of this Act is to change the ballot order for candidates seeking board positions in community college from an alphabetical order to a selection by lot. Before this Act, candidates in community college elections were they only category of candidates whose order on the ballot was not selected by lot. This Act creates a uniform method for determining ballot order for candidates in all races.

[ACT 144 / House Bill 1165:](#)

Amends Local Option Election Law in Defunct Voting Districts

This Act permits a City Council in a city of the first class to request the County Board of Election Commissioners to identify the boundaries of a voting district that is no longer known.

Once identified, this Act allows a City Council in a city of the first class that contains a defunct voting district to call for a local option election pursuant to A.C.A. § 3-8-201.

This Act amended A.C.A. § 3-8-602 that provides for elections to permit the on premises sale of alcohol in the city limits of cities of the first and second class.

[ACT 158](#) / House Bill 1224:

Regarding Candidacy for More than one Elective Office

This Act amends A.C.A. §7-5-111, which prohibits any candidate from running for more than one state, county, or municipal office in the same election. The purpose of Act 158 is to extend this prohibition to include district and township offices.

[ACT 163](#) / Senate Bill 143:

Limiting Special Elections in Mayoral Vacancies for First Class Cities and Amending Law Regarding Municipal Runoffs

This Act makes three changes to A.C.A. § 14-43-304 which governs the election of mayors in a city of the first class with a mayor-council form of government.

1) The first change was to extend the deadline for the County Board of Election Commissioners to certify mayoral elections from seven days to fifteen days after election returns from all precincts are received.

2) This Act also clarifies a contradiction in law regarding the identification of the candidate who prevailed in the election. Existing law codified in A.C.A. § 7-5-106 provides that, under certain circumstances, a candidate can win a mayoral election with forty percent of the vote and avoid a runoff. However, the section of code amended by Act 163 had used the term “majority” to refer to a candidate who received an amount of votes that allowed that candidate to be certified as the winner of the election without a runoff. To remedy this inconsistency, Act 163 replaces the word “majority” with the phrase “requisite amount” when referring to votes cast for the winning candidate.

3) The third change implemented by Act 163 is to eliminate the requirement that a vacancy in the office of mayor in a city of the first class be filled by a special election when that vacancy occurs in the last year of the mayor’s term of office. Vacancies that occur in the last year of the term will now be filled by the City Council under A.C.A. § 14-43-412.

[ACT 164](#) / Senate Bill 22:

Extends the deadline for Logic and Accuracy testing in Runoff Elections

In the case of a runoff election, this Act extends the deadline for the county boards of election commissioners to conduct Logic and Accuracy testing to five days before the runoff election. This amended deadline gives the commission two additional days to complete L&A testing.

Taken together with Act 910, Act 1088, and Act 1104, which move runoff elections from three weeks to four weeks after the principle election. Commissions will have a total of nine (9) additional days to complete L&A testing for those runoff elections. Despite the later deadline, state law still requires that the L&A testing be conducted “as soon as the media is prepared.”

[ACT 171](#) / House Bill 1219:

Vacancy in the Office of Recorder-Treasurer in Incorporated Towns

Vacancies in the office of Recorder-Treasurer are to be filled by a majority vote of the town council at the first regularly scheduled meeting following the occurrence of the vacancy. The appointed Recorder-Treasurer will serve out the unexpired term.

[ACT 297](#) / House Bill 1532:

Nomination Requirements for New Political Parties

This Act sets 12:00 noon on the day of the preferential primary as the deadline for new political parties to conduct their convention. Candidates nominated by this convention must also have their certificates of nomination filed with the Secretary of State or the County Clerk by 12:00 noon that same day.

[ACT 300](#) / House Bill 1015:

Procedures for Voting Precincts in Counties with Vote Centers

This legislation clarifies that, if the County Board of Election Commissioners has established vote centers, the county board is not required to open a polling location in each ward of a city of the second class.

[ACT 310](#) / House Bill 1279:

Regarding Vacancies in the Office of United States Senator

This Act is designed to bring the section of code dealing with the filling of a vacancy in the office of United States Senator into line with the Arkansas Constitution.

Amendment 29 to the Arkansas Constitution states that vacancies in the office of United States Senator will be filled by an appointment by the Governor. However, the language that was stricken from the code by Act 310 provided that the Governor’s

appointed Senator would be replaced at the next general election or, if no general election would be held within twelve months, with a statewide special election to be called no less than 120 days after the vacancy occurred.

Act 310 eliminates the special election component and provides that the appointed Senator will serve until the office can be filled at a General Election and that the candidate who wins that election will serve the remaining portion of the vacated term.

[ACT 621](#) / House Bill 1792:

Regarding the Storage of Ballot Stubs

Act requires ballot stubs to be stored along with all other election material by the County Board of Election Commissioners. This is a change from the previous rule that the county treasurer was required to store the sealed stub boxes separately from all other election materials.

[ACT 633](#) / House Bill 1047:

Voter ID Amendment

This Act amended Amendment 51 of the Arkansas Constitution to require an individual to verify they are registered to vote in the precinct for which they wish to cast a ballot. This verification is accomplished by requiring the voter to provide an identification card or document that:

- shows the name of the voter;
- has a photo of the voter;
- is issued by the United States, the State of Arkansas, or a post-secondary institution accredited in the State of Arkansas;
- and, “if displaying an expiration date,” that date is no more than four years in the past.

A) IN-PERSON VOTING

When voting in person, unless a voter is a resident in a long-term care or residential care facility, a voter will be required to present his or her photo ID to the poll worker. If a voter fails to verify their voter registration with a photo ID, the poll worker will indicate this fact in the poll book, permit the voter to cast a provisional ballot, and inform the voter how they can cure the failure to show photo ID. Voters of long-term or residential care facilities must have documentation from the facility administrator stating that the individual is a resident.

If a voter cast a provisional ballot due to the failure to show ID, that voter has two options to ensure their vote is counted. The voter may sign an affidavit that states under penalty of perjury that the voter is a resident of the state and he or she is the person registered to vote. This affidavit must be signed while the voter is at the poll. The second option is for the voter to return to either the County Election Commission or the County Clerk's office before 12:00 noon on the Monday following the election to present his or her photo ID.

B) ABSENTEE VOTING

An absentee voter must submit a copy of their ID with the absentee ballot or the ballot will be considered provisional. However, active duty military or merchant marine personnel, as well as their spouses and dependents who are absent from the country due to the service of the member of the military or merchant marine, are not required to submit copies of their identification. Also, as with in-person voting, voters who are residents of long term care facilities or residential care facilities may submit documentation from the facility administrator stating that the individual is a resident instead of a copy of their photo ID.

Failure to satisfy this ID requirement will cause the absentee ballot to be treated as a provisional ballot. Absentee provisional ballots can be cured with the same two options. A voter can bring their ID to the Election Commission or the Clerk or the voter can sign the affidavit and submit it with the ballot.

C) POST ELECTION REVIEW

After the election, the County Election Commission is empowered to refer the names of those voters who did not show ID to the local prosecutor. The Commission is required to refer "suspected instances of voter fraud" to the prosecutor. There is also provision for a Circuit Judge to have a voter's registration removed.

D) NON- ID PROVISIONAL BALLOT PROCEDURE

Traditional absentee voting procedures are separated out from the procedures regarding provisional ballots based on the failure to provide ID. The only changes to traditional absentee ballots is that the voter must sign their eligibility affirmation, under penalty of perjury, and the voter must sign the list kept by poll workers of voters casting provisional ballots.

E) ID PROVISIONAL BALLOT PROCEDURE

When casting a provisional ballot due to the failure to verify voter registration, the poll worker must indicate the voter did not show photo ID on the precinct voter registration list. In addition to the normal absentee ballot procedure, the poll worker must inform the voter that he or she may execute a second sworn statement that the voter is registered to vote in the state and that the voter is the person who is

registered to vote. These provisional voters must also sign their standard eligibility affirmation, under penalty of perjury, and must sign the list kept by poll workers of voters casting provisional ballots.

F) VOTER VERIFICATION CARDS

This Act also provides for voter verification cards to be made available at no cost to those voters who are unable to obtain photo ID that will allow them to verify their voter registration.

[ACT 730](#) / House Bill 1829

Removal of Unopposed Candidates from the Ballot

Act 730 eliminates the requirement that all unopposed candidates be listed on the ballot and that voters have the opportunity to vote for all unopposed candidates. It provides that all unopposed candidates shall be declared certified elected without appearing on the ballot.

Unopposed candidates for the office of Mayor, Governor, and Circuit Clerk must still be placed on the ballot individually and the votes cast in these uncontested races must be tabulated.

[ACT 790](#) / House Bill 1207

Amending the dates for Processing Absentee Ballots

This Act permits the outer envelopes of absentee ballots to be opened one week before Election Day so that the election officials appointed by the County Board of Election Commissioners may begin processing and canvassing the absentee ballot paper work. The inner envelopes, which contain the actual ballots, must remain sealed until 8:30am on Election Day.

The times and locations for the newly created early canvassing and processing must still be included in the public notice required in A.C.A. §7-5-202

Act 790 also eliminates the requirement that early and absentee vote totals be reported to the Secretary of State within 30 minutes of the poll closing. The results must now be reported “as soon as practical” after the polls close.

[ACT 798](#) / House Bill 1765

Posting the Names of Election Officials or Deputy County Clerks

This Act modifies the section of code that requires the names of those persons working the polls to be made public. County clerks will now be required to post the names of all deputy clerks who will conduct early voting no less than 15 days before the beginning of early voting. This posting will be in a public place in the Clerk's Office. County election commissions may post its list of election officials at the same time as the clerk or may wait until 15 days before Election Day, as has been the rule in previous years.

Act 798 also adds to the requirements of the Notice of Election. The notice will now have to include the date or dates and location that the list or lists of poll worker's names will be posted in the Clerk's Office. In addition, the notice will be required to explain how to file an objection with the County Board of Election Commissioners if a voter wishes to disallow any poll worker who is a spouse or is related within the second degree of consanguinity to a candidate on the ballot from participating in that election. The notice will need to further explain that the objection must be made within 10 days of the posting of the poll worker list.

[ACT 908](#) / House Bill 1270

Regarding the Secrecy of the Voting Booth

This legislation restates the existing legal requirement that a voter must be given a private place to mark their ballot into A.C.A. § 7-5-309.

[ACT 910](#) / House Bill 1621 (Effective January 1, 2018)

Annual School Election

This legislation eliminates September school elections. Beginning in 2018, school elections will be held with either the preferential primary, the general election, or on the date which these elections would have been held in the odd years.

School districts must notify the County Clerk whether the school will elect to conduct their election on the primary date or the general date by the first day of the filing period for a candidate in a primary election. It should be pointed out that this date occurs once every two years, setting up a system whereby the school districts must choose their election dates on a two-year cycle.

When school elections are held with the preferential primary, the voters must be offered a nonpartisan ballot as in judicial elections. Much of the balance of the Act updates various provisions of the code to reflect the new election dates.

Candidates filing for office in the Annual School Election will file during one of the following periods. If the election is held at the same time as the preferential primary election, the school election filing period will be the same as the primary filing period. Otherwise, the filing period will be the one-week period ending at 12:00 noon ninety days before the school elections. Signatures collected must be dated within 30 days of the relevant filing deadline. The ballot draw for school election will be held seventy-two (72) days before the annual school election.

When the school election appears on the same ballot as the general election or preferential primary election, the schools are responsible for reimbursing the county for the additional costs incurred because of the school election. However, this amount shall not exceed the cost of the most recent contested school election that was held alone. The school district shall reimburse the county for the entire cost of a school election or school election runoff in which the school election is the only matter on the ballot.

[ACT 1014](#) / House Bill 2138

Voting and Election Transparency Act

The Transparency Act reenacts various existing provisions of Amendment 51 into the Title 7 of the code.

The Act also prohibits county election commissioners from serving as a poll worker or a poll watcher. County election commissioners are further prohibited from serving on the State Board of Election Commissioners.

The Act also includes a section requiring the Secretary of State to create standardized documentation for use in long-term care facilities or residential care facilities. Under Act 633, which amends Amendment 51 of the Arkansas Constitution, a resident of a long-term care facility or a residential care facility who does not provide a copy of their photo ID must provide documentation from the administrator of the facility attesting that the person is a resident of the facility.

[ACT 1088](#) / House Bill 1739

Regarding Primary Election Runoffs and Special Elections

This Act increases the period of time between the primary and its runoff from three weeks to four weeks. It does so by moving the general primary election, which

is the runoff election for primaries, to the third Tuesday in June. This Act also provides that any special elections in the months of May, June, or November of an even numbered year must be held on the same date as the preferential primary, general primary, or general election respectively.

This Act also maintains the rule that a voter cannot be required to vote in a partisan primary election in order to vote in a special election. Therefore, if a special election is being held on the same date as a preferential primary or general primary; this special election must also appear on a nonpartisan ballot.

[ACT 1104](#) / House Bill 1440

Regarding Dates of the Runoff Election and Filing Lists of Paid Canvassers

This bill moves various runoff elections from three weeks after the principle election to four weeks after. It also amends the law regarding paid canvassers.