

2018 County Board of Election Commissioners' Training



STATE BOARD OF ELECTION COMMISSIONERS

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Little Rock, Arkansas 72201

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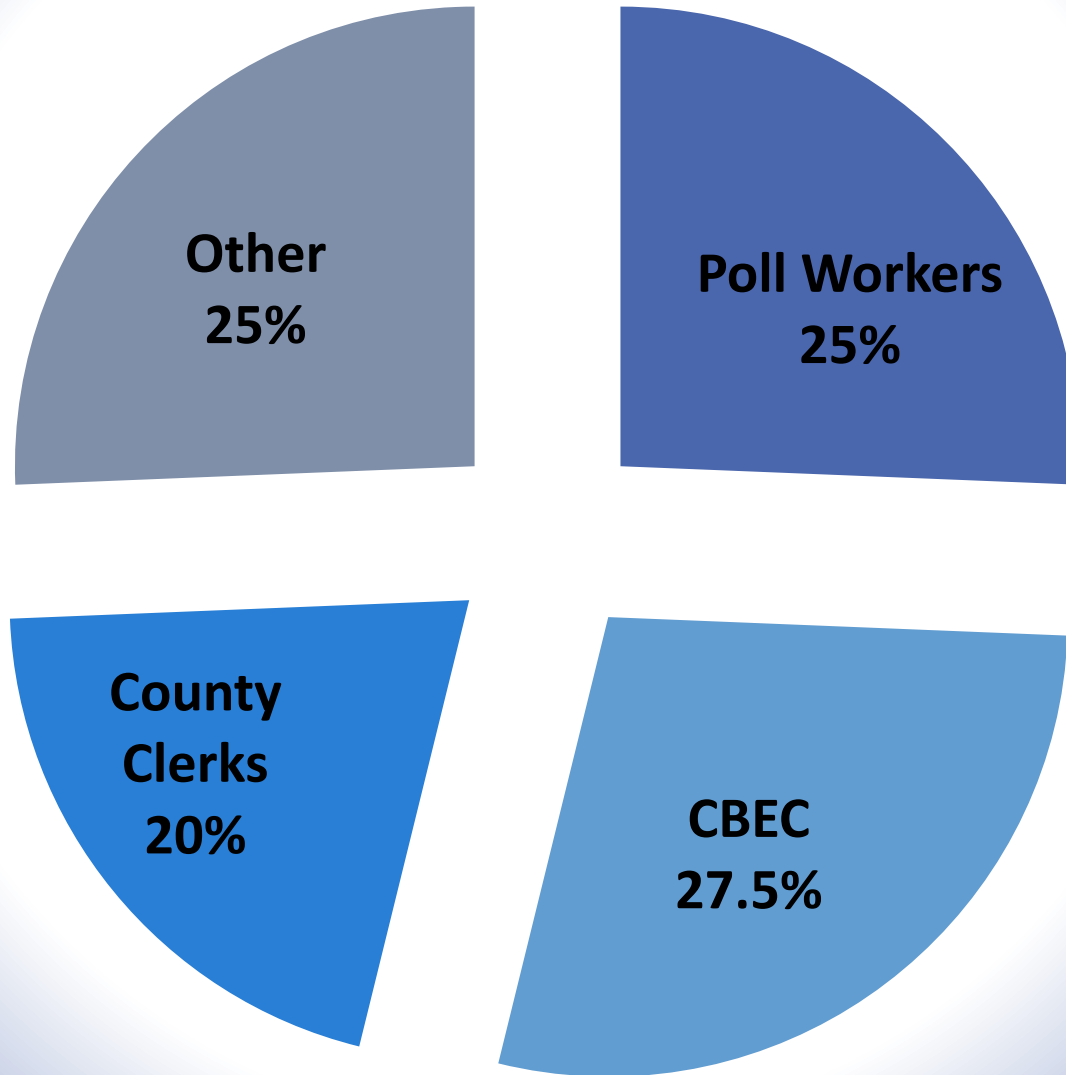
www.sos.arkansas.gov/sbec

info.sbec@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 2016-2017



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**
- ▶ **Big Changes for 2018**
 - ▶ **Voter Verification**
 - ▶ **School Elections**
- ▶ **Elections Overview (General Info)**
- ▶ **Pre-Election Duties**
- ▶ **What to expect on Election Day**
- ▶ **Election night and post election**
- ▶ **Special Elections**
- ▶ **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

► 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**:

- 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

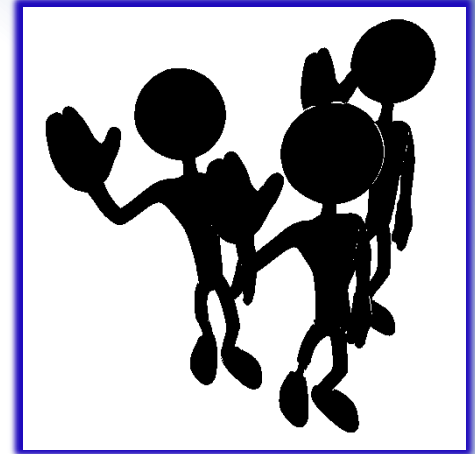
CBEC Restrictions



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
- ▶ **Must keep minutes & file with County Clerk**
 - w/in 120 days of the meeting or 10 days of the following meeting

BIG CHANGES FOR 2018

VERIFICATION OF VOTER REGISTRATION

SCHOOL ELECTIONS

Verification of voter registration

Voters must verify their registration by showing a document or identification card that shows the **name** and **photograph** of the person to whom it was issued and is **issued by**:

- The **United States**,
 - The **State of Arkansas**,
 - An **accredited postsecondary educational institution in the State**, or
 - The **county clerk**
-
- If the **voter ID** displays an expiration date, it must **either be current or not expired more than four years before the date of the election** in which the person seeks to vote.

Verification of voter registration

- **Examples of acceptable photo ID's include (but are not limited to):**
 - ✓ An Arkansas driver's license;
 - ✓ A concealed carry handgun license;
 - ✓ A U.S. passport;
 - ✓ An employee badge or ID document issued by the **State** of Arkansas, the **federal government** or a **postsecondary educational institution located in Arkansas**;
 - ✓ A U.S. military ID document;
 - ✓ A **student** ID card issued by a postsecondary educational institution;
 - ✓ A Photo voter ID card issued by the county clerk; or
 - ✓ A public assistance ID card

Verification of voter registration

- **EXCEPTION:** Voters who reside in a long-term care or residential care facility licensed by the state may show **documentation from the administrator** attesting that the voter is a resident of the facility.
- Documentation will be on a form provided by the secretary of state
(Act 1014 of 2017)

Verification of voter registration

Photo ID

The verification of voter registration is used to verify the **name** and **appearance** of the voter, **not** address and date-of-birth.

The check-in process (voter states name and address and confirms DOB) otherwise remains the same.

Verification of voter registration

Assessing validity of ID

The poll worker to whom the ID is presented must:

- Verify that the name on the ID is **consistent** with the name in the Poll Book, allowing for abbreviations, nicknames & name changes;
- If the name is consistent, **compare the photograph** to the voter to determine whether the voter is the person depicted in the photograph, considering hair color, glasses, facial hair, cosmetics, weight, age, injury and other physical characteristics;
- If the poll worker is **satisfied** that the voter is the person depicted in the photograph and the name is consistent with the name in the Poll Book, then issue the voter a **regular** ballot;
- If the voter's **name has changed**, or is different from the name in the Poll Book or the name as stated by the voter, but the poll worker is **satisfied** that the voter is the person depicted in the photograph, issue the person a **regular** ballot **after** the voter completes a voter registration application for the purpose of updating the voter's information.

Verification of voter registration

Assessing validity of ID

- If the poll worker determines that the ID does not depict the voter or the name is not similar – the voter is referred to the **Election Judge** of the poll
- The **Election Judge** shall:
 - Compare the name of the voter to the PVR
 - Compare the photo to the voter
- The **Election Judge** shall resolve any marginal cases in favor of the voter
- If the **Election Judge** determines that the ID does not depict the voter – the voter is offered a **Provisional Ballot**

VERIFICATION OF VOTER REGISTRATION



At the polls

ADDITIONAL REQUIREMENT FOR CERTAIN FIRST-TIME VOTERS:

Certain first-time voters who register by mail and do not provide the required ID documentation, will be flagged on the Precinct Voter Registration List for additional identification documentation when voting at the polls during early voting, on election day or by absentee ballot. These first-time voters, like all other voters, are required to present Photo ID.

A flagged voter who presents a valid ID that is also current (not expired) may vote without presenting an additional ID document.

However, if a flagged voter presents valid identification that is not current (i.e., is expired) and valid for the purpose for which it was issued, the flagged voter 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 to vote a **Regular Ballot**, otherwise the voter can cast a **Provisional Ballot**.

Verification of voter registration

Failure to provide ID at the polls -- Voter casts a **provisional ballot**

- **Voter is handed written notice** that includes the following information:
 - That the voter will be **notified** whether their vote was counted & the reason if not counted by **first class mail**.
 - That a voter who cast a provisional ballot for **failure to present ID may present ID** to the **county clerk** or the **county board of election commissioners (CBEC) office** by **noon** of the first **Monday** following the election in order for the provisional ballot to be counted;
 - The address, phone #, & regular office hours of the **county clerk**;
 - The **dates** of **any meetings** of the CBEC scheduled before noon of the next Monday following the election;
 - An **explanation** of the provisional voting process; and
 - The date, time, & address of a **hearing** for the voter if the provisional ballot is rejected.

Verification of voter registration

NOTICE TO PROVISIONAL VOTERS

REASON 1: No Verification of Voter Registration Provided and Failed to Sign the Optional Verification of Identity Affirmation

If you cast a Provisional Ballot for failure to present Verification of Voter Registration and you possess ID, but chose not to sign the **OPTIONAL VERIFICATION OF IDENTITY AFFIRMATION**, you may present proof of identity to the County Clerk or the County Election Commission by noon of the first Monday following the election for the provisional ballot to be counted.

County Clerk's Office:
_____ County Courthouse
Street Address: _____

Hours:
Phone: _____
City: _____

"Verification of Voter Registration" is a document or photo ID card that is issued by the State, the federal government or an accredited postsecondary educational institution in Arkansas. The ID must show the name and photograph of the person to whom it was issued, and, if it has an expiration date, must not be expired more than 4 years before Election Day.

Examples of acceptable proof of identity include but are not limited to:

- An Arkansas driver's license;
- An Arkansas State ID (for example issued by the Revenue Office)
- A U.S. passport;
- A concealed carry handgun license issued by the State of Arkansas;
- An employee badge or ID document issued by the State of Arkansas or the federal government;
- A U.S. military ID document (Active or Retired);
- A student or employee ID card issued by a postsecondary educational institution located in Arkansas;
- A public assistance ID card issued by the State of Arkansas or federal government;
- A voter ID card issued by the county clerk

REASON 2: Signed Optional Verification of Identity Affirmation for No Verification of Voter Registration

If the only reason you are required to vote provisionally is that you did not verify your voter registration with a photo ID and you executed the optional **Verification of Identity Affirmation** your ballot will be counted when it is reviewed by the County Board of Election Commissioners. However, if the Board determines that your provisional ballot is invalid and should not be counted on other grounds, you will be notified and may attend an administrative hearing referenced below to bring evidence of the validity of your ballot. **The meeting date is listed below.**

REASON 3: Provisional Ballots Unrelated to Verification of Registration

If you were required to vote provisionally for any reason unrelated to the verification of your voter registration, the County Election Commission will set an administrative hearing to determine if your ballot will be counted for this election. You will be notified by mail concerning your provisional ballot. If your ballot did not count you are invited to attend this hearing to bring evidence and defend the validity of your ballot. If your ballot is counted, then you will be notified as such.

Hearing Date for Provisional Ballots that are rejected will be held:

Date & Time: _____

LOCATION: _____

For more information, contact: _____ County Election Commission
PHONE: _____ **EMAIL:** _____

You will be notified by first class mail whether your vote was counted, and if not, the reason why.

Verification of voter registration

Failure to provide ID at the polls -- Voter casts a **provisional** ballot

- The poll worker shall indicate on the precinct voter registration list that the voter did not present a required document or identification card.
- The poll worker shall notify the voter that the voter must cast a provisional ballot in that election
- The poll worker and voter shall complete the Provisional Voter Eligibility Affirmation portion of the provisional ballot envelope.
- The poll worker shall inform the voter that he or she may complete a Verification of Identity Affirmation which will allow the voter to affirm he or she is registered to vote in the State of Arkansas and that he or she is the person who is registered to vote
- If the voter chooses to complete the Verification of Identity Affirmation, the voter shall sign the affirmation located on the front of the envelope marked "Provisional Ballot."
- The poll worker shall initial the back of the provisional ballot, remove the ballot stub, and place the stub in the stub box provided.

Verification of voter registration

Continued

- The provisional voter shall mark his or her ballot.
- The provisional voter shall place the voted ballot in a ballot secrecy envelope marked “PROVISIONAL BALLOT” and seal the envelope.
- The provisional voter shall place the sealed ballot secrecy envelope marked “Provisional Ballot,” containing the voted ballot in a “provisional voter envelope” and seal the envelope.
- The poll worker must provide the provisional voter a copy of the notice to provisional voters and ensure that the provisional ballot envelope is sealed.
- The poll worker must make a separate list of the names, addresses, signatures and an indication of the provisional ballot reason for all voters casting a provisional ballot
- The poll worker must preserve, secure, and separate all provisional ballots from the remaining ballots and forward all sealed “provisional voter envelopes” in a secured container provided for that purpose to the county board after the polls close.

Verification of voter registration

Attachment "A"

PROVISIONAL VOTER ENVELOPE

Provisional Voter Number: _____ Date: _____ Time: _____

Poll Name: _____ Precinct #: _____ Ballot Style: _____

CHALLENGED BALLOT FORM

(To be completed when a poll watcher challenges a voter)

Name of Voter Challenged: _____

Name of Poll Watcher: _____

Entity Represented: _____

(Name of candidate, group or party the poll watcher represents from the Poll Watcher Affidavit)

Reason for Challenge: _____

Signature of Poll Watcher: _____

Signature of Challenged Voter: _____

PROVISIONAL VOTER ELIGIBILITY AFFIRMATION

(To be completed on voter qualification issues)

Name of Registered Voter: _____ Prior Name: _____

Address of Registered Voter: _____ Prior Street Address: _____

City, State, Zip: _____ Prior City, State, Zip: _____

Phone Number: _____ Date of Birth: _____ Provided ID: Yes ☐ No ☐

I, _____, (printed name of provisional voter) hereby affirm, under penalty of perjury, that the information provided is true and accurate and that to the best of my knowledge I am a registered voter in this precinct and am eligible to vote in this election. I understand that the County Board of Election Commissioners will count my ballot only upon verification of my voter registration status.

Signature of Provisional Voter _____

Witnessed by: _____ Signature of Poll Worker _____

OPTIONAL VERIFICATION OF IDENTITY AFFIRMATION

(Available to voters who are unable to verify his/her Voter Registration)

I, _____, hereby affirm, under penalty of perjury, that I am registered to vote in the State of Arkansas and that I am the person who is registered to vote using the information reproduced above.

Signature of Voter _____

Note: Perjury is defined by Arkansas law as a Class C Felony and is punishable by no less than three years and no more than 10 years in prison and up to a \$10,000 fine. A.C.A. §§ 5-4-201, 5-4-401.

Reason for Voting Provisional (To be completed by a poll worker)

- ☐ No Verification of Voter Registration
- ☐ Poll Watcher Challenge
- ☐ Not on Precinct Voter Registration List
- ☐ First-time Voter Flagged to Show Additional ID
(No Additional ID Provided)
- ☐ Previously Sent Absentee Ballot
- ☐ Court-ordered Voting Extension
- ☐ Other _____

Ballot Style (To be completed by a poll worker)

Ballot Style _____ given to the provisional voter based upon the voter's affirmation of eligibility for this jurisdiction.

Signature of Poll Worker _____

Revised:
July 31, 2017

Verification of voter registration

LIST OF PROVISIONAL VOTERS

Arkansas Code Annotated § 7-5-308 requires poll workers to make a list of the names and addresses of all persons voting a provisional ballot and requires County Election Commissions to determine the validity of each provisional ballot prior to certification of the election.

Date of Election: _____ Poll Name: _____

[illegible]

Provisional Ballot Reason: A) General Provisional

B) Unverified Registration Provisional (No Voter ID)

Commissioner Signature

Commissioner Signature

Commissioner Signature

Verification of voter registration

Failure to verify registration at the polls

- Voter casts a **provisional** ballot and completes a sworn statement at the polls stating that the voter is registered to vote and that he or she is the person registered to vote
- This provisional ballot will count unless the CBEC determines that the voter is not registered or did not cast the correct ballot for their precinct

Verification of Voter Registration (VOTER ID)

Failure to verify registration at the polls

- Voter casts a **provisional** ballot and completes a sworn statement at the polls stating that the voter is registered to vote and that he or she is the person registered to vote
 - The provisional ballot will count unless the CBEC determines that the voter is not registered or did not cast the correct ballot for the precinct

Does not sign the Verification of Identity statement POST-ELECTION SUBMISSION

The provisional ballot will be counted if the voter brings in proper ID to the county clerk or to a CBEC meeting by noon on the Monday after the election.



Verification of voter registration

ABSENTEE REQUIREMENT

Absentee voters must include with their absentee ballots a copy of a photo id that shows the name and photograph of the voter and is not expired for more than 4 years.

- Flagged voters must include a copy of a current (not expired) 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.

Provisional Absentee Ballots

Absentee Ballots without Voter ID will be considered provisional

“the voter statement accompanying the absentee ballot shall include a sworn statement portion that may be completed by the voter stating that the voter is registered to vote and that he or she is the person who is registered” (Act 633)

Verification of voter registration

Absentee requirement

Exceptions:

- 1) Voters who reside in a long-term care or residential care facility licensed by the state may instead provide a standardized form (created by the SOS) that the voter is a resident of the facility; and
- 2) Military and merchant marine voters and their families who are away from the country (U.S.) because of the active duty status of a military member are not required to include any form of voter verification with their absentee ballots.



School Elections

Annual School Election (Act 910 of 2017)

- ▶ Held with the Primary or General Election in (Even Numbered Years)
- ▶ Held on dates that Primary or General would occur (Odd Numbered Years)

NO September School Elections in 2018

- School Boards must notify the County Clerk of the School Election date by the day before Candidate Filing for the Primary Election (**February 21, 2018**)

School Elections (Act 910)



Candidate Filing

- **May Election:** During the Primary Candidate Filing period (Feb. 22nd – March 1)
- **November Election:** During one week Filing period ending 90 days before the election (July 27th – Aug. 17th)
- **County Clerks in the Domiciled county will submit the certified candidates & ballot questions to the Non-Domiciled county clerks**

Transfer of Filing Information

- **The County Clerk of the Domicile County is required to submit the list of candidates and issues to the CBEC in the Domicile County**
- **The Clerk will also be required to submit this information to the CBECs of all other counties in which a school district domiciled in the Clerk's county has territory.**

School Elections (Act 910)

CBEC Certification

- **CBEC's of Non-Domiciled counties certify the election results for all offices & issues to the Domiciled CBEC's**
- **CBEC of the Domiciled school district will tabulate the total votes cast & filed certified results with the County Clerk**

School Elections

▶ Runoff Election

- No candidate receives majority of votes or tie vote

▶ Election Expenses

Even Years

- School Districts shall reimburse each county for “Additional Costs” of holding the election with the primary/general
- This amount is capped at the cost of the last odd year (stand alone) election (*see proposed rule*)

Odd Years

- District pays for the total cost of the election
- County Election Commissioner & Poll Workers **CANNOT** be paid employees of school district holding election

School Elections

What are Additional Cost?

- The “additional cost” is the portion of the actual cost of the election that the county was required to spend because the school election was held at the same time as the primary or general.
- If an expense would have been required in an imaginary election without the school then it is not an additional cost and cannot be billed to the school district. **(But/For analysis)**
- Prorating costs to the school district is not allowed!

School Elections

Examples of Additional Costs

- Programming cost (ballot faces): the (# of ballot splits) – (# of ballot splits without including school election) = (# of per-ballot faces programming fees that are “additional costs”)
- Programming cost (candidates and issues): (cost of a issue or race on the ballot) x (# of school issues or candidates)
- Programming of ADA machines: same principles

School Elections

Examples of Cost that are not Additional

- Polling sites: will be needed regardless of whether a school election is held
- Number of Poll workers: will be needed regardless of what issues are on the ballot
- Basic election supplies

School Elections

Maximum Amount of Reimbursement

- No school district can ever be required to pay more for its election than the amount it paid the last time a contested election was held in an odd year
- PROBLEMS:
 - District Wide Election vs. Zone Races
 - Districts pay one county in odd year and multiple counties in even year
 - Change in Tax Rate

School Elections

Finding the Correct Election to Establish the Cap

- ZONE ELECTIONS: Most recent odd year election in which the **same number of zones were contested**
- TAX RATE CHANGE: a change in the tax rate is treated as a contested district wide election
- DISTRICT WIDE ELECTION: Most recent odd year election in which **all the polls in the district were open**

School Elections

Allocation of the Cap

- Once the most recent comparable odd year election has been identified, the amount the district paid its domicile county must be allocated between all the districts which the districts will reimburse in the even years.
- This amount is then prorated to each county with the county receiving a percentage of the capped amount equal to the percentage of the districts qualified electors living in the counties.

School Elections

Calculating Each County's Allocated Cap for Reimbursement

- Amount of Odd Year Reimbursement: \$10,000
- Distribution of Qualified Electors:
 - County A: 30,000 (50%)
 - County B: 15,000 (25%)
 - County C: 15,000 (25%)
- Calculation of Each County's Cap:
 - Cty. A: \$10K multiplied by .5 = \$5,000
 - Cty. B: \$10K multiplied by .25 = \$2,500
 - Cty. C: \$10K multiplied by .25 = \$2,500

School Elections

Process

- **CBEC Responsibility:** Calculate the additional cost of the school election for each district in your county. (NOTE: the amount each district adds to your election **must be calculated separately**)
 - Must submit a request for reimbursement along with an expense report within 150 days of the election.
 - This report shall itemize each election expense for which the county experienced an additional cost in that election.
- **School District's Responsibility:** Determine the allocated caps for each county and pay the lesser of the additional election costs requested **or** the allocated previous costs (the cap)
 - Must submit payment within 180 days
 - Must document designation and allocation of cap

School Elections

Distribution of a Counties Unused Cap

- If one counties additional costs are less than that counties “allocated previous costs”:
 - The district shall distributed the unused amount of this county’s cap between all other counties submitting a timely request for reimbursement that exceeded their cap.
 - The used amount shall be divided between the ‘caped counties’ based on the percentage of qualified electors living in each of these counties.

School Elections

Failure of the CBEC to file a Timely Reimbursement Request

- The CBEC MUST file a reimbursement request within 150 days of the election.
- After 150 days the school districts will reimburse each county filing a timely request under these rules.
- A county may file a reimbursement request after the deadline; however, the county will only receive funds if there is a remaining portion of the district's total "reimbursable additional cost"

School Elections

Special Rules for School Election's held with the Primary

- **The SBEC cannot reimburse counties for the Annual School Election.**
- Counties must calculate the additional cost of the Annual School Election and subtract that amount from the total cost of the election before submitting a request for reimbursement to the SBEC
- NOTE: this may result in the county paying the difference of the additional cost of the school election if it exceeds the reimbursable additional cost.
- **Failure to subtract the cost of the school election will require your request for reimbursement to be resubmitted**

School Elections

Special Rules for School Election's held with the General

- When dividing the cost of the General Election between the County and the Municipalities in the County, the total cost of the election shall be reduced by the “additional cost” of the school election, as calculated under SBEC Rules.

ELECTIONS OVERVIEW

ELECTION AND BALLOT TYPES

VOTING SYSTEMS GENERALLY

CANDIDATE FILING

CANDIDATE WITHDRAWAL

VACANCIES

EARLY & ABSENTEE VOTING

Types of Elections

- \$ **Preferential Primary and Nonpartisan General**
May 22nd
- \$ **General Primary (Primary Runoff)** June 19th
- ▶ **General and Nonpartisan Runoff** – Tuesday after 1st Monday in November
November 6th
- ▶ **General Runoff** –
Municipal and County ONLY
4 weeks later

- ▶ **Annual School Election** – (even year) (Act 910)
May 22nd OR November 6th

- ▶ **Runoff School Election** –
4 weeks later (Act 1104)

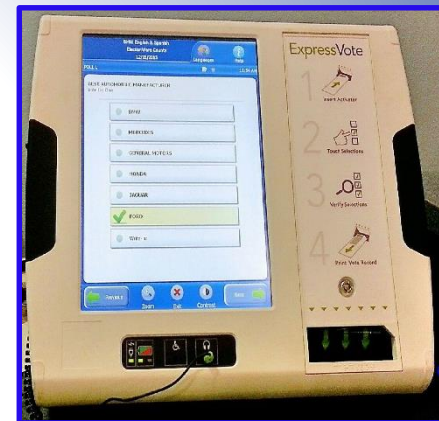
- ▶ **Special Elections** – Generally
the 2nd Tuesday of any month

On same day of month as
primary election, runoff
election or general election

\$ *Special Statewide &
Primary Elections*

Voting Systems

- ▶ 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 75 days before Primary (March 8th)
- ▶ **Other candidates also file during party period**
 - **Judges and Prosecutors who pay a filing fee**
 - ▶ 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 23, 2018)

- ▶ **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

- 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 May 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

ELECTION OFFICIALS

PUBLIC NOTICES

REQUIRED POSTINGS

VOTING EQUIPMENT

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
 - 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

- 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



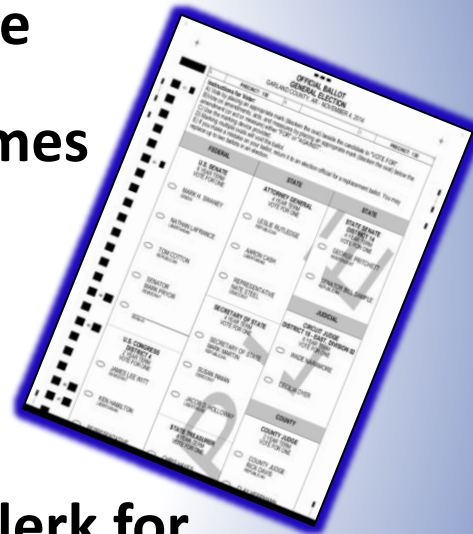
► Postings

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



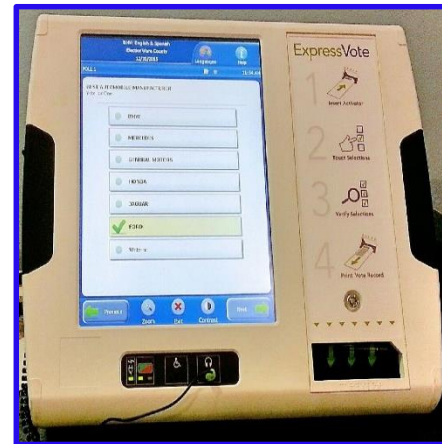
Ballot Names & Positions

- ▶ 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

► L & A Testing

■ Both Voting Machines and Tabulating Devices

- At least **5 days before** voting begins (Act 164)
- 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

POTENTIAL ELECTION DAY PROBLEMS

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**
- ▶ **Exit Pollsters**
- ▶ **News Photographers**
- ▶ **Electronic Devices Used
by Poll Workers**
- ▶ **Closing the Polls**



CANVASSING AND COUNTING

CANVASSING, COUNTING & UNOFFICIAL RESULTS

EARLY AND ABSENTEE BALLOTS

RECOUNTS

FINAL CERTIFICATION

ELECTION CONTESTS

PRESERVATION OF EQUIPMENT & MATERIALS

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
- ▶ Absentee Ballots – CBEC compares application & voter statement
 - name/address/D.O.B./signature
 - can begin processing the ballot paperwork up to 7 days before election day – **NO opening of ballot envelopes until election day (Act 790)**
- ▶ 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

- May 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 May 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



Special Elections

Special elections are usually 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 election is to be held
- Published in newspaper of general circulation

▶ Held on second Tuesday of the month (generally)

- Third Tuesday if conflicts w/ Holiday
- Held with Primary (May), Runoff (June), General (November)
- If **ONLY** 1 candidate and no other office or issue on ballot:
 - Can open **ONLY** 1 poll or, open NO poll & conduct by absentee & early voting

ELECTION LAWS

ENFORCING ELECTION LAWS

LEGISLATIVE CHANGES

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

LEGISLATIVE CHANGES - 2017

Acts from the 91th General Assembly

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



Acts

- Act 633: Voter ID Amendment
- Act 910: Moves Annual School Election dates
- ACT 164: Extends the deadline for L&A testing in Runoff Elections two days (from 5 to 7)
- Act 1104: Moves runoff elections from 3 to 4 weeks after an election
- Act 300: Vote Center counties not required to open a poll in each ward of a city of the second class
- Act 621: Ballot stubs stored with CBEC (formerly Treasurer)
- Act 730: Removes the need for all unopposed candidates be listed on the ballot
- Act 790: Permits outer envelopes of Absentee Ballots to be opened one week before Election Day to begin processing the paper work

Acts

Act 798: Posting of Election Officials and the Notice of Election -- County Clerk has to post Early Voting Election Officials 15 days before Early Voting. The Notice of Election is expanded to include: the date/s & location of the list of Election Officials, an explain on how to file a poll worker objection with the CBEC and that the objection must be made within 10 days of the posting of the poll worker list.

Act 1014: County Election Commissioners can not serve as poll workers or poll watchers. And can not serve on the State Board of Election Commissioners.

REIMBURSEMENT

ELECTION EXPENSES

SBEC RULES ON STATE-FUNDED EXPENSES

www.arkansas.gov/sbec/rules

Election Expenses

- ▶ **SBEC reimburses county for:**
 - May preferential primary/nonpartisan general & June primary runoff elections
 - Statewide special and special primary elections
- ▶ **County pays for general elections**
 - Portion reimbursed by cities/towns where held
- ▶ **Annual School Election Even-Year (see SBEC Proposed Rule)**
 - School districts pay for Odd-Year 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**
 - May preferential primary and statewide specials ONLY



Poll Workers & Extra Help Pay

► SBEC Poll Worker reimbursement:

- Rule allows 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 May 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 (May 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**



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@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.