

# COUNTY BOARD OF ELECTION COMMISSIONERS PROCEDURES MANUAL



Prepared and Provided by the:  
State Board of Election Commissioners  
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(2020 Edition)



# STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane, Suite 401N  
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**Daniel Shults**  
Director

**Chris Madison**  
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**Jon Davidson**  
Educational Services Manager

**Tena Arnold**  
Business Operation Manager

Dear County Election Commissioners,

The State Board of Election Commissioners is pleased to provide you with this copy of our ninth edition **County Board of Election Commissioners Procedures Manual** reflecting changes in election law enacted during the 2019 legislative session of the Arkansas General Assembly.

Because voting is at the core of our republic form of government, and knowledge is essential to the success of our elections, the State Board works diligently to provide resources to county election administrators to assist in implementing procedures that will ensure both fair and orderly elections for the citizens of our great state.

We recognize and appreciate the tremendous amount of time and effort expended by county election administrators to ensure successful elections. It is our hope that this manual will be of valuable assistance to both veteran Commissioners, who have conscientiously conducted elections throughout the years, and new Commissioners in fulfilling their legal responsibilities.

We are committed to supporting you throughout the upcoming election cycle and look forward to assisting you in any way possible. Please feel free to call upon us at any time.

With best regards,

A handwritten signature in blue ink, appearing to read "Daniel Shults".

Daniel Shults  
Director

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## 2020 ELECTION DATES

<b>March 3, 2020</b>	Preferential Primary Election & Nonpartisan General Election
<b>March 31, 2020</b>	General Primary (Runoff) Election
<b>August 11, 2020</b>	City Administrator Form of Government Primary Election
<b>March 3, 2020 or November 3, 2020</b>	Annual School Election*
<b>March 31, 2020 or December 1, 2020</b>	School Runoff Election
<b>November 3, 2020</b>	General Election & Nonpartisan General Runoff Election
<b>December 1, 2020</b>	General Runoff Election

**For a complete calendar of election-related dates and deadlines, you may contact the Elections Division of the Secretary of State's Office at [www.sos.arkansas.gov/elections](http://www.sos.arkansas.gov/elections).**

*\*Per Act 910 of 2017 the Annual School Election must be held at the same time as the Preferential Primary or the General Election.*

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## STATE CONTACTS

Contact the State Board of Election Commissioners for questions regarding election procedures generally, election complaints, election monitors, reimbursement of expenses for state-funded elections, and procedural training for county election commissioners and poll workers.

Contact the Office of the Secretary of State for questions regarding voter registration, candidate filing, petitions, tabulating election results, reporting and certification of election results, voting equipment, voting equipment training, and interpretation of election laws.

Please see below for helpful contact information.

### **State Board of Election Commissioners**

501 Woodlane, Suite 401N  
 Little Rock, AR 72201  
 Office: (501) 682-1834 or (800) 411-6996  
 Fax: (501) 682-1782  
 Internet Site: [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec)  
 E-mail: [info.sbec@arkansas.gov](mailto:info.sbec@arkansas.gov)

### **Secretary of State Elections Division**

State Capitol, Room 026  
 Little Rock, AR 72201  
 Office: (501) 682-5070 or (800) 482-1127  
 Fax: (501) 682-3408 or (501) 682-3548  
 Internet Site: [www.sos.arkansas.gov](http://www.sos.arkansas.gov)  
 E-mail: [electionsemail@sos.arkansas.gov](mailto:electionsemail@sos.arkansas.gov)

### **Republican Party of Arkansas**

1201 West Sixth Street  
 Little Rock, AR 72201  
 Office: (501) 372-7301  
 Fax: (501) 372-1656  
 Internet Site: [www.arkansasgop.org](http://www.arkansasgop.org)

### **Democratic Party of Arkansas**

1300 West Capitol Avenue  
 Little Rock, AR 72201  
 Office: (501) 374-2361  
 Fax: (501) 376-8409  
 Internet Site: [www.arkdems.org](http://www.arkdems.org)

### **Libertarian Party of Arkansas**

PO Box 46730  
 Little Rock, AR 72214  
 Office: (501) 396-9804  
 Internet Site: [www.lpar.org](http://www.lpar.org)

### **Arkansas Ethics Commission**

501 Woodlane, Suite 301N  
 Little Rock, AR 72201  
 Office: (501) 324-9600 or (800) 422-7773  
 Fax: (501) 324-9606  
 Internet Site: [www.arkansasethics.com](http://www.arkansasethics.com)

### **Attorney General's Office**

323 Center Street, Suite 200  
 Little Rock, AR 72201  
 Office: (501) 682-2007  
 Fax: (501) 682-8084  
 Internet Site: [www.arkansasag.gov](http://www.arkansasag.gov)

### **U.S. Attorney - Eastern District of AR**

United States Attorney's Office  
 425 West Capitol Avenue, Suite 500  
 Little Rock, AR 72201  
 Office: (501) 340-2600  
 Fax: (501) 340-2725  
 Internet Site: [www.justice.gov/usao](http://www.justice.gov/usao)

### **U.S. Attorney - Western District of AR**

United States Attorney's Office  
 414 Parker Avenue  
 Fort Smith, AR 72901  
 Office: (479) 783-5125  
 Fax: (479) 785-2442  
 Internet Site: [www.justice.gov/usao](http://www.justice.gov/usao)

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## GLOSSARY OF TERMS

**Act** - any act/enactment having general application throughout the state or an ordinance applicable to a municipality or county, whether originating in the General Assembly or proposed by the people, and referred acts. *[A.C.A. § 7-9-101(1)]*

**Affidavit of eligibility** - an affidavit signed by a candidate for elective office stating that the candidate is eligible to serve in the office he or she seeks. *[A.C.A. § 7-1-101]*

**Amendment** - any proposed amendment to the Arkansas Constitution, whether proposed by the General Assembly under Article 19, § 22 or by the people under the provisions of Article 5, § 1 or Article 19, § 22. *[A.C.A. § 7-9-101(2)]*

**Audit log** - an electronically stored record of events and ballot images from which election officials may produce a permanent paper record with a manual audit capacity for a voting system using voting machines. *[A.C.A. § 7-1-101]*

**Ballot question** - a question in the form of a statewide, county, municipal, or school district initiative or referendum which is submitted or intended to be submitted to a popular vote at an election, whether or not it qualifies for the ballot. *[A.C.A. § 7-9-402(1)]*

**Candidate** - for the purpose of compliance with contribution and expenditure filing requirements, any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, to seek nomination for or election to any public office. *[A.C.A. § 7-6-201(2)]*

**Canvassing** - examining and counting the returns of votes cast at a public election to determine authenticity. *[A.C.A. § 7-1-101]*

**Certificate of choice** - a certificate, signed by an executive officer of a political group that submits a petition to place its candidates for President and Vice-President on the ballot, designating the names of its candidates to appear on the ballot. *[A.C.A. § 7-1-101]*

**Constitutional officers of this state** - the offices of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of State, Treasurer of State, and Commissioner of State Lands. *[A.C.A. § 7-1-101]*

**Counting location** - a location selected by the county board of election commissioners with respect to all elections for the automatic processing and/or counting of votes. *[A.C.A. § 7-1-101]*

**DRE** - a direct-recording electronic voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter, processes the data by means of a computer program, records voting data and ballot images in internal and external memory components, and produces a tabulation of the voting data stored in a removable memory component and on a printed copy.

**Election** - the process in which qualified electors nominate or elect a candidate to public office for regular terms, or decide any measure or question submitted to a vote of the people. A preferential primary election, a general primary election, a general election, a general runoff election, a school election, school runoff election, and a special election each constitute a separate election. [A.C.A. §§ 7-5-204; 7-6-201(7); 7-9-101(4); 7-9-117(c)(1); 14-42-119(b)(3)]

**Election Media** - any device used in an election definition or to record votes cast with a direct record electronic machine or voting machine including, memory stick devices, digital flashcards, personalized electronic ballots (PEBs), personal computer cards, and zip disks. [A.C.A. §§ 7-1-101]

**Election official or election officer** - a member of the county board of election commissioners, a person who performs election coordinator duties, a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff, or a deputy county clerk or a person assigned by a county clerk to conduct early voting. Election official also includes an election clerk designated by the county board to process, count, and canvass absentee ballots and a person designated to count ballots at a central counting location. [A.C.A. §§ 7-1-101; 7-5-414(a); 7-5-615]

**Electronic poll book** - hardware or software or a combination of hardware and software that allows election officials to view voter registration records and voting information during an election at an early voting location or at a polling site on election day. [A.C.A. § 7-1-101]

**Electronic vote tabulating device** - a device, commonly referenced as an optical scanner, used to electronically scan a marked paper ballot for tabulation. [A.C.A. § 7-1-101]

**Fail-safe voting** - the mechanism established under the National Voter Registration Act of 1993 that allows a voter who has moved within the same county to vote at his or her new precinct without having updated his or her voter registration records. [A.C.A. § 7-1-101; Amendment 51 § 13 of the Arkansas Constitution]

**First-time voter** - any registered voter who has not previously voted in a federal election in the state. [A.C.A. § 7-1-101]

**General election** - the regular biennial elections for election of United States, state, district, county, township, and municipal officials and to submit proposed amendments to the Arkansas Constitution or other measures or questions to a vote of the people. [A.C.A. §§ 7-1-101; 7-5-102; 7-5-204]

**HAVA** - the federal Help America Vote Act of 2002 that established the Election Assistance Commission to assist in the administration of federal elections and allocate federal funds to states for election administration improvements, including replacing punch card and lever voting machines, improving accessibility for disabled voters, implementing a statewide voter registration system, voter and election official training, and other improvements.

**Initiative** - the process by which voters can submit through petition signatures a Constitutional Amendment, law, or ordinance for a vote by the people at the biennial regular general election. [Article 5, § 1 of the Arkansas Constitution; A.C.A. § 7-9-104(a); Black's Law Dictionary]



**Legislative question** - a question in the form of a measure referred by the General Assembly, a quorum court, a municipality, or a school district to a popular vote at an election. [A.C.A. § 7-9-402(7)]

**Majority party** - the political party in the State of Arkansas whose candidates were elected to a majority of the constitutional offices of the state in the last preceding general election. [A.C.A. § 7-1-101]

**Marking device** - any approved device operated by a voter to record the voter's choices through marking or creating a paper ballot with ink or other substance that will enable the votes to be tabulated by means of an electronic vote tabulating device. Paper ballots counted by hand should be marked using permanent ink. If an electronic vote tabulating device (optical scanner) is used to count paper ballots, a marking instrument recommended by the manufacturer of the optical scanner for proper marking shall be used. [A.C.A. §§ 7-1-101; 7-5-211(a)(2)(H); 7-5-602(c)]

**Measure** - an amendment, act, ordinance, referendum, issue, question, plebiscite or proposal not involving the election of candidates that appears on a ballot. [A.C.A. §§ 7-9-101(6); 7-9-125(a)(5)]

**Member of the merchant marine** - an individual employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter or control of the United States; an individual enrolled with the United States for employment or training for employment or maintained by the United States for emergency relief service as an officer or crew member of any such vessel; or as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act if different from the definition stated above. [A.C.A. § 7-1-101]

**Minority party** - the political party whose candidates were elected to less than a majority of the constitutional offices of this state in the last preceding general election or the political party that polled the second greatest number of votes for the office of Governor in the last preceding general election, if all of the elected constitutional officers of this state are from a single political party. [A.C.A. § 7-1-101]

**Nonpartisan general election** - the regular biennial election, held on the same date and at the same time and places as the preferential primary election, for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge and prosecuting attorney. [A.C.A. § 7-10-101(1)]

**Party certificate** - a written statement or receipt signed by the secretary or chair of the county committee or of the state committee, as the case may be, of the political party evidencing the name and title proposed to be used by the candidate on the ballot, the position the candidate seeks, payment of the fees, and filing of the party pledge, if any, required by the political party. [A.C.A. § 7-1-101]

**Party filing period** - the period of time established by law for the candidate for a political party's nomination to file his or her party certificate with the Secretary of State or county clerk, as the case may be. [A.C.A. § 7-1-101]

**Political party** - any group of voters that at the last preceding general election polled for its candidate for Governor in the state or nominees for presidential electors at least three percent (3%) of the entire vote cast for the office. [A.C.A. § 7-1-101]

**Polling site** - a location selected by the county board of election commissioners where votes are cast. [A.C.A. § 7-1-101]

**Precinct** - a geographical area the boundaries of which are determined by the county board of election commissioners in order to facilitate voting by the registered voters from that geographical area. [A.C.A. § 7-5-101]

**Primary election** - any election held to select the nominees of a political party for certification as candidates for election at any general or special election in this state. [A.C.A. § 7-1-101]

**Provisional ballot** - a ballot cast by special procedures to record a vote when there is some question concerning a voter's eligibility and counted contingent upon the verification of the voter's eligibility. [A.C.A. § 7-1-101]

**Qualification of a ballot question** - any action or process, legal or otherwise, through which a ballot question obtains certification to be on the ballot at an election. [A.C.A. § 7-9-402(10)]

**Qualified elector** - a person who holds the qualifications of an elector under Arkansas Constitution Article 3, §1 and is registered under Arkansas Constitution, Amendment 51:

- 1) Must be a U.S. citizen;
- 2) Must be an Arkansas resident;
- 3) Must be a minimum of 18 years of age;
- 4) Must be lawfully registered to vote in the election;
- 5) Must not presently be adjudged mentally incompetent by a court of competent jurisdiction;
- 6) Must not have been convicted of a felony without the sentence having been discharged or pardoned; and
- 7) Must not claim the right to vote in another county or state. [Article 3, §§ 1 & 2 of the Arkansas Constitution, as amended by Const. Amend. 85; Amendment 8; Amendment 51, § 6; A.C.A. § 7-1-101]

**Referendum** - the process by which voters can petition to have a law previously passed by the Arkansas General Assembly, a county's quorum court or a municipality's city council or board of directors placed on the ballot at a special election for approval or rejection by the voters. Also, the process by which a governing body may pass a law contingent on approval by the voters in an election. [Article 5, § 1; Amendment 7; A.C.A. §§ 7-9-105(a), 14-14-905(f); 14-55-301; 14-14-917(f) and 14-55-303]

**Sample ballot** - a ballot for distribution to the public or the press marked with the word "SAMPLE" to prevent the production of counterfeit ballots. [A.C.A. § 7-1-101]

**Special election** - any specially scheduled election to fill vacancies or to approve any measure. [A.C.A. §§ 7-11-101; 7-11-201]

**Uniformed services** - the United States Army, United States Marine Corps, United States Navy, United States Air Force, and United States Coast Guard, the commissioned corps of the United States Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration, or as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act if different from the definition stated herein. [A.C.A. § 7-1-101]

**Vacancy in election** - the vacancy in an elective office created by death, resignation, or other good and legal cause, arising before election to the office at a general or special election, but arising after the certification of the ballot. [A.C.A. § 7-1-101]

**Vacancy in nomination** - the circumstances in which the person who received the majority of votes at the preferential primary election or general primary election cannot accept the nomination due to death, or notifies the party that he or she will not accept the nomination due to serious illness, moving out of the area from which the person was elected as the party's nominee, or filing for another office before the final date for certification of nominations. A vacancy in nomination is also created if a tie vote for the same office occurs at the general primary election. [A.C.A. § 7-1-101]

**Vacancy in office** - the vacancy in an elective office created by death, resignation, or other good and legal cause arising after election to the office at a general or special election or arising after taking office and before the expiration of the term of office in those circumstances where the vacancy must be filled by a special election rather than by appointment. "Vacancy in office" does not apply to the election of a person at a general election to fill an unexpired portion of a term of office. [A.C.A. § 7-1-101]

**Verification of Voter Registration** – the process by which an individual seeking to vote presents a photo identification to an election official for the purpose of confirming that the individual physically present at the poll is the same individual to whose voter registration the vote cast will be credited. [Arkansas Constitution, as amended by Const. Amend. 51]

**Vote center** - upon enactment of an ordinance by the Quorum Court, an election day location designated by the county board of election commissioners at which a qualified elector from any precinct in the county holding the election may vote. [A.C.A. § 7-1-101]

**Voter-verified paper audit trail (VVPAT)** - a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that allows the voter to verify the voter-verified paper audit trail before the casting of the voter's ballot; is not retained by the voter; does not contain individual voter information; is produced on paper that is sturdy, clean, and resistant to degradation; and is readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic code. [A.C.A. §§ 7-1-101; 7-5-532(a)(2)]

**Voting machine** - either a direct-recording electronic voting machine, or one or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic vote tabulating device. [A.C.A. §§ 7-1-101]

**Voting system** - the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. “Voting system” also includes the practices and documentation used to identify system components and versions of components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system changes to be made to a system after the initial qualification of the system; and make available any materials to the voter, including, without limitation notices, instructions, forms, or paper ballots. *[A.C.A. § 7-1-101]*

## LEGAL ASSISTANCE & ELECTION LAWS

### **Legal Assistance to the County Board**

The county board of election commissioners may call upon the county's prosecuting attorney or his or her deputy for legal assistance. [A.C.A. § 7-4-106(a)]

The county attorney or prosecuting attorney shall defend the county board in any civil lawsuit brought against the county board, or any of its members, if sued in regard to any acts or omissions made during the course of carrying out the official duties of the county board.

[A.C.A. § 7-4-106(b)]

The county board is deemed to consist of county officials, and its members are immune from tort liability according to Ark. Code Ann. § 21-9-301. [A.C.A. §§ 7-4-102(d); 7-4-115]

### **Researching Election Laws**

The Arkansas Code (statutes) is a compilation of the laws of the State of Arkansas. The Arkansas Code is revised by the legislature by way of legislative acts or by the people by means of initiative and referendum petition. Changes to the Arkansas Code are codified or incorporated into the existing code by the Code Revision Commission.

Copies of the Arkansas Code can be found at your county courthouse, in many libraries, in the Secretary of State Elections library, as well as in the State Board of Election Commission offices, in the set of red, bound volumes entitled Arkansas Code of 1987 Annotated. Title 7 is the main volume addressing elections and can be found in Volume 6 of the Arkansas Code of 1987 Annotated.

When researching statutes, check for updates in the supplement (often referred to as "pocket part") in the back of the bound volume to ensure that you are referencing the most recent version of the statutes. If you are searching for information on a particular topic such as a primary election, special election, school election, or municipal election, for example, be sure to reference the appropriate title and section of the code for the applicable law. Keep in mind that there are instances where case law (rulings by a court) has over-ruled or interpreted statute. If you have questions or are unsure, contact your county attorney, the Secretary of State's Legal Division, or our office for assistance.

In addition to the bound volumes, following each regular legislative session the Elections Division of the Secretary of State's Office issues a spiral-bound Election Laws of Arkansas booklet containing election laws, the original twenty (20) Articles of the 1874 Constitution and the subsequent amendments to the Arkansas Constitution. State statutes may also be accessed on the Internet at the Arkansas State Legislature's website at [www.arkleg.state.ar.us](http://www.arkleg.state.ar.us).

In viewing a citation such as A.C.A. § 7-1-101, the “7” represents the Title, the “1” represents the chapter and the “101” is the section. A.C.A. stands for Arkansas Code Annotated, meaning “with annotations” or background notes. The notes following each citation are useful in tracing the history of the statute, including when the original act was passed by the legislature.

The Secretary of State has designated staff members who are knowledgeable of election laws and are available to aid candidates and their agents in filing for election. In addition, the State Board of Election Commissioners considers its duty to train election commissioners and poll workers to extend beyond the formal sessions it provides and stands ready at any time to answer questions regarding the procedures found in this book. [A.C.A. §§ 7-1-106; 7-4-106; 7-4-101(f)(2)]

## **SELECTION AND TERMS**

### **Composition**

Each of the seventy-five (75) counties in the State of Arkansas has a three-member county board of election commissioners responsible for conducting all elections within its respective county.

The membership of the county board is as follows:

- Two (2) members elected by the County Committee of the majority party; and
- One (1) member elected by the County Committee of the minority party.

Currently, the Republican Party is the majority party, and the Democratic Party is the minority party. *[A.C.A. § 7-4-102(a)]*

### **Term of Office**

Members of the commission are elected by their respective county committees in January of each odd-numbered year following the election of county committee officers. *[A.C.A. § 7-4-102(a)]*

Each member of the county board of election commissioners serves at the pleasure of his or her respective county committee for a term of two (2) years. *[A.C.A. § 7-4-102(e)]*

The county committee shall elect a new member within forty-five (45) days of a vacancy. If the committee fails to elect a new member the state chair of the appropriate party shall appoint a new member to the county board. *[A.C.A. § 7-4-102(2)(A), (B)]*

A political party's county committee may remove a commissioner by majority vote of the county committee. *[A.C.A. § 7-4-102(e)]*

### **Chair of County Board**

The county board of election commissioners meets in an organizational meeting by February 28 in odd-numbered years to elect one (1) member to serve as chair. *[A.C.A. § 7-4-105(a)]*

Any of the three (3) members of the county board may be elected to serve in the capacity of chair.

The chair serves until a board is elected by the respective county committees in January of odd-numbered years and an organizational meeting is held. The chair may serve successive terms. *[Attorney General's Opinion #2013-023]*

### **Vacancy**

A vacancy on the county board is filled by election of a new member by the appropriate county committee within forty-five (45) days of the vacancy. *[A.C.A. § 7-4-102(f)]*

If the vacancy is not filled by the forty-five (45) day deadline, the state chair of the appropriate party must appoint a new member to the commission. *[A.C.A. § 7-4-102(f)]*

### **Qualifications**

To serve on the county board of election commissioners, a commissioner **must**:

- Be a qualified elector of the state (see the definition on page 8); [A.C.A. § 7-4-109(a)(1)]
- Be able to read and write the English language; [A.C.A. § 7-4-109(a)(1)]
- Be a resident of the county that he or she serves at the time of his or her election or appointment by the state party chairmen; [A.C.A. § 7-4-109(b)];
- Attend election training conducted by the State Board of Election Commissioners prior to a regularly scheduled preferential primary election; and [A.C.A. § 7-4-109(e)(1)]
- Attend additional interim training, if deemed necessary and appropriate by the State Board. [Rules for County Election Commissioners Training §702]

### **Disqualifications**

#### **Generally:**

To serve on the county board of election commissioners, a commissioner **MUST NOT**:

- Be the Chair or Secretary of a county political committee; [Act 966 of 2019]
- Have been found or pled guilty or nolo contendere to the violation of an election law of this state; [A.C.A. § 7-4-109(a)(1)]
- Be a paid employee of a political party; [A.C.A. § 7-4-109(c)(1)]
- Be a paid employee of a candidate for office on the county's ballot; [A.C.A. § 7-4-109(c)(1)]
- Be married to or related within the second degree of consanguinity to a candidate running for office in the election, if objection is made within ten (10) days after the list of officials is posted. [A.C.A. § 7-4-109(d)]
- Be married to a chairman of a county political party or another county election commissioner, if objection is made within ten (10) days after the list of officials is posted, and [A.C.A. § 7-5-202(a)(2) as amended by Act 258 of 2019]
- Be a candidate for an office to be filled at an election while serving on the county board. **EXCEPTION:** A member of the county board is not disqualified from serving on the county board by merely appearing on the ballot as a candidate for a position in his or her political party (i.e., a county committeeman). [A.C.A. § 7-4-109(a)(2)(3)]

#### **Participation in Campaigns:**

A person serving on the county board **MUST NOT** participate in the campaign of any candidate listed on a ballot or of a write-in candidate seeking election in that county that falls under the county board member's jurisdiction or authority. [A.C.A. § 7-4-109(c)(A)(2)]

Specifically, a member of the county board **MUST NOT**:

- 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; or
- Display candidate placards or signs on an automobile.  
[A.C.A. § 7-4-109(c)(2)(B)(i), and Attorney General's Opinion No. 2015-126]



- Serve as a poll worker or poll watcher on behalf of an individual candidate, political party, or ballot initiative. *[A.C.A. § 7-5-904, Act 1014 of 2017]*

A member of the county board **may**:

- Be a paid employee of a School District *[Act 553 of 2019]*
- 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; or
- Participate in a political party convention.  
*[A.C.A. § 7-4-109(c)(2)(B)(ii)]*

**Paid Employee of School District:**

County board of election commissioners are allowed to be a paid employee of any school district holding a school election in the county *[A.C.A. § 6-14-106(e)(1) as amended by Act 553 of 2019]*

**Conflicting Employment:**

To be eligible for consideration for election by a county committee to a position on the county board of election commissioners, the candidate cannot be employed with a company having any business dealings, contracts, or pending contracts with the county board to which he or she is seeking election. *[A.C.A. § 7-4-109(c)(3)]*

## **REQUIRED FINANCIAL DISCLOSURE**

### **Disclosure by Member of a County Board of Election Commissioners**

Every member of the election commission must report to the Secretary of State by January 31 of each calendar year any goods or services sold during the previous calendar year by the commissioner, the commissioner's spouse, or any business in which the commissioner or the commissioner's spouse owns more than ten percent (10%) of stock having a total annual value of more than one thousand dollars (\$1,000) to the state, county, municipality, or school district. A reporting form has been created by the Secretary of State. *[A.C.A. § 7-4-119 and the Arkansas Secretary of State's Rules for Financial Disclosure by Members of County Boards of Election Commissioners]*

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## OATH OF OFFICE

Within ten (10) days of selection to the county board of election commissioners, the county committee must notify the county clerk in writing of the names and addresses of those selected.

The county clerk must send a notice by registered mail to those persons selected instructing them to appear before the clerk to take the oath of office within thirty (30) days of selection to the county board. *[A.C.A. § 7-4-102(b)]*

As soon as practicable after the election of members to the commission, the chair of each party committee must file a notice with the county clerk and the Secretary of State containing the names of the party's members designated to serve on the county board. *[A.C.A. § 7-4-102(c)]*

Before entering on their duties, each member of the county board must take the following oath of office:

**“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of county election commissioner, upon which I am now about to enter.”** *[Article 19, § 20 of the Arkansas Constitution]*

The oath is filed with the county clerk and a duplicate must be forwarded to the Secretary of State. *[A.C.A. § 7-4-102(b)]*

Contact the Secretary of State Elections Division for a sample oath.

A courtesy copy of the oath may also be provided to the State Board of Election Commissioners. Reference materials will be sent to the new commissioner upon receipt of the oath by the State Board of Election Commissioners.

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## **CONDUCTING CBEC MEETINGS**

### **Notification**

The chair of the county board of election commissioners must notify each member of the county board of all meetings. [A.C.A. § 7-4-105(b)]

### **Quorum**

Two (2) members of the county board of election commissioners shall constitute a quorum. [A.C.A. § 7-4-105(a)]

### **Voting**

Each member of the county board of election commissioners has one (1) vote, and two (2) concurring votes shall decide any questions before the county board, unless a unanimous vote is otherwise required by law. [A.C.A. § 7-4-105(a)]

### **Public Meetings/Freedom of Information Act**

When official business is conducted in any meeting of two (2) or more members of the county board of election commissioners, the meeting must be public and held pursuant to the Freedom of Information Act of 1967 according to Ark. Code Ann. § 25-19-101 et seq. [A.C.A. § 7-4-105(b)]

The county board of election commissioners must provide at least two (2) hours notice of a public meeting to members of the press or others who have requested notice.

Public meetings as defined under the Arkansas Freedom of Information Act include without limitation:

- Drawing of ballot position;
- Certification of ballots;
- Selection or alteration of location or boundaries of precincts or polling sites;
- Designation of election officials;
- Election day;
- Correction of errors or omissions of ballots;
- Canvassing and certification of election results;
- Canvassing and certification of a recount; and
- Public testing of voting systems

All public meetings must be recorded. Recordings can be sound only, video recordings with sound, or a digital or analog broadcast capable of being recorded. These recordings must be retained for at least (1) year and must be in a format that may be reproduced. [Act 1028 of 2019]

### **Minutes**

The county board of election commissioners must keep minutes of all meetings when official business is conducted and must file the minutes with the county clerk no later than one hundred twenty (120) days after the meeting or within ten (10) days of the next meeting, whichever date is sooner. [A.C.A. § 7-4-105(b)]

The county board must maintain a public record of all expenditures made and funds received by the county board. [A.C.A. § 7-4-113]

### **Compensation**

Each member of the county board of election commissioners receives for services not less than twenty-five dollars (\$25) per public meeting when official business is conducted. The county board shall not receive compensation for election duties after the election until election results have been certified and delivered to the Secretary of State. [A.C.A. §§ 7-4-111(b); 7-5-701(c)(3)]

Individual counties may pay election commissioners for performing various election-related tasks outside a public meeting. [Attorney General's Opinion No. 2016-040]

## TYPES OF ELECTIONS

### **Primary Election**

A primary election is an election held to narrow the field of candidates for election at any general or special election in this state. [A.C.A. §§ 7-1-101; 7-7-202(a)]

The **preferential primary** election in 2020, commonly known as the primary election, is held in March on the first Tuesday after the first Monday. [A.C.A. §§ 7-7-203(b) as amended by Act 545 of 2019; 7-8-101]

The **general primary** election in 2020, commonly known as the primary **runoff** election, is held on Tuesday four (4) weeks after the preferential primary election if no candidate received a majority of the votes cast for the office at the preferential primary election. [A.C.A. §§ 7-7-203(a) as amended by Act 545 of 2019; 7-8-101]

A **nonpartisan primary** is conducted in cities with the city administrator form of government to narrow the field of candidates for those cities' offices in the general election.

The nonpartisan primary is held on the second Tuesday of August preceding the general election. [A.C.A. §14-48-109(a)(2)]

### **General Election**

The general election is the regularly scheduled biennial election for election of United States, state, district, county, township, and municipal officials and to submit proposed amendments to the Arkansas Constitution or other measures or questions to a vote of the people. [A.C.A. §§ 7-1-101; 7-5-102; 7-5-204]

The general election is held on the Tuesday after the first Monday in November in every even-numbered year. [A.C.A. §§ 7-5-102; 14-42-201]

### **General Runoff Election**

#### **County Offices:**

A general runoff election for a county contest is held four weeks after the general election if no candidate received a majority of the votes cast for the county elected office at the general election. [A.C.A. § 7-5-106(a) as amended by Act 207 of 2019]

#### **Municipal Offices:**

A general runoff election for a municipal contest is held four weeks after the general election if no candidate received either a majority of votes cast or both a plurality of 40% of the votes cast for the office at the general election and 20% more votes than the second-place candidate. [A.C.A. § 7-5-106(a) as amended by Act 207 of 2019]

#### **Tie Votes:**

A general runoff election ("special runoff") is held four weeks after the general election if there is a tie vote for any office except for constable, Governor, Lt. Governor, Secretary of State, State Treasurer, State Auditor, or Attorney General. Tie votes for the state constitutional offices are decided by the General Assembly. Tie votes for constable result in the incumbent

holding over in the office or, if there is no incumbent, a continued vacancy in the office that can be filled by the Governor.

*[A.C.A. §§ 7-5-703(c); 7-5-704(b); 7-5-705(b); 14-14-1310(b); Article 6, Section 3 of the Arkansas Constitution; and Article 19 Section 5 of the Arkansas Constitution;]*

### **Nonpartisan General Election**

The nonpartisan general election is the regularly scheduled biennial election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge and prosecuting attorney. *[A.C.A. § 7-10-101]*

The nonpartisan general election is held on the same dates, times, and places as the preferential primary election held in March. *[A.C.A. § 7-10-102(b)(1)]*

### **Nonpartisan General Runoff Election**

The nonpartisan general runoff election is held on the same date and at the same times and places as the November General Election if no candidate received a majority of the votes cast for the office at the nonpartisan general election. *[A.C.A. § 7-10-102(c)(2)]*

### **Annual School Election**

The school election is the regularly scheduled election held annually for the election of school board positions and to submit an annual proposed rate of tax for the maintenance and operation of schools and the retirement of indebtedness to a vote of the people. *[Article 14, § 3 of the Arkansas Constitution, as amended by Amendments 1, 11, and 40; Attorney General's Opinion No. 96-380]*

The annual school election in 2020 will be held on the same date as either the preferential primary or the general election. In 2021 the annual school election will be held on the third Monday in May or the first Tuesday following the first Monday in November. The School's decision between which election date to use must be made at least 100 days before the first day of the respective filing period for the preferential primary. Otherwise, the election will be the same as the prior year. *[A.C.A. § 6-14-102(a)(1) as amended by Acts 545 and 597 of 2019]*

### **School Runoff Election**

If no candidate received a majority of the votes cast for the office or if a tie vote exists, a runoff election is held in the district four (4) weeks after the date of the annual school election.

*[A.C.A. § 6-14-121(a)]*

### **Special Election**

A special election is any specially scheduled election to fill vacancies or to approve any measure. *[A.C.A. § 7-1-101]*

For the various dates on which special elections may be held, see the SPECIAL ELECTIONS section of this manual beginning on page 105.



## VOTING SYSTEMS

### Types

A county's voting system must consist of voting equipment selected for use by the Secretary of State, examined and approved by the State Board of Election Commissioners, and chosen by resolution of the county's quorum court. [A.C.A. §§ 7-5-301, 7-5-503, 7-5-606]

A county's voting system may consist of:

- Voting machines with at least one (1) voting machine per poll accessible to voters with disabilities and paper ballots for provisional voting and machine malfunction only;
- Paper ballots with an electronic vote tabulating device at each poll and at least one (1) voting machine per poll accessible to voters with disabilities;
- Paper ballots with an electronic vote tabulating device at a central counting location and at least one (1) voting machine per poll accessible to voters with disabilities; and
- Paper ballots counted by hand and at least one (1) voting machine per poll accessible to voters with disabilities.

### Voting Machines

A combination of an electronic marking device (usually a touchscreen that displays an electronic ballot) and an electronic vote tabulating device either at the precinct or at a central counting location) is considered to be a voting machine. [A.C.A. §§ 7-5-101(40)(B)]

#### **Voter-Verified Paper Audit Trail:**

All DRE voting machines in use must include a voter-verified paper audit trail. [A.C.A. §§ 7-5-301(b)(1) as amended by Act 399 of 2019; 7-5-532(c)(1)]

#### **Overvotes:**

An overvote occurs when a voter casts votes for more than the maximum allowable number of candidates in a contest or casts votes both for and against a measure to be decided by election.

A voting machine that would permit a voter to overvote his or her ballot must notify a voter of the overvote and allow the voter to change the ballot before the ballot is cast. [A.C.A. § 7-5-504(9)]

### Paper Ballot

#### **Overvote Warning:**

All paper ballots must contain a warning beneath the heading about the consequences of overvoting and instructions on how to correct errors in marking the ballot before it is cast and counted. [A.C.A. § 7-5-601(e)]

**Electronic Vote Tabulating Devices:**

If a county uses a paper ballot voting system that includes an electronic vote tabulating device at each poll, the device must be programmed to reject overvoted ballots so that the voter has the opportunity to correct the ballot before the ballot is cast. [A.C.A. § 7-5-604(a)(5)(A), (6)(A)]

**Central Count/Count by Hand:**

If a paper ballot voting system provides for votes to be counted at a central counting location or by hand at the polling sites, the county board of election commissioners must provide a voter education program to inform voters about the consequences of overvoting and how to correct the ballot before it is cast. [A.C.A. § 7-5-604(a)(6)(C)]

**Custody**

The county board of election commissioners has complete control and supervision of voting machines and electronic vote tabulating devices at all elections, but the county clerk has supervision of machines and devices used for early voting in the clerk's designated early voting location. [A.C.A. § 7-5-301(k), (l)]

The county board is responsible for the proper preparation, use, maintenance, and care of all voting machines and electronic vote tabulating devices during the period of time required for an election. [A.C.A. § 7-5-301(m)(2)]

The county board has the care and custody of all voting machines and electronic vote tabulating devices while not in use. [A.C.A. § 7-5-301(m)(1)]

**TRAINING**

**Mandatory Statewide**

The law requires the State Board of Election Commissioners to train county election commissioners and to coordinate training for poll workers and county clerks or the county clerk's designee before every preferential primary election.

In complying with this statutory requirement, the State Board develops and revises training materials every two (2) years following regular legislative sessions to reflect election law changes. The State Board also develops procedures for conducting training, monitoring attendance, and determining the method and amount of compensation for county election commissioners, for county trainers, and for poll workers. [A.C.A. §§ 7-4-101(f)(2), (3); 7-4-109(e)]

**STATE BOARD RULES AND GUIDELINES ON TRAINING AND COMPENSATION**

The State Board of Election Commissioners' rules for county election commissioners training, rules for poll worker and county clerk training, guidelines addressing training compensation for county election commissioners, and guidelines on training compensation for trainers and poll workers are available on the State Board's website at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec).

**County Election Commissioners:**

The State Board provides each member of the county board of election commissioners with a copy of this comprehensive procedures' manual developed and published by the State Board as a valuable resource and reference guide to assist county boards in fulfilling its statutory duties and its responsibility to conduct fair, orderly, and legal elections.

**COMMISSION CHECKLIST**

The State Board of Election Commissioners has provided three (3) separate checklists in the Forms & Instructions section in the back of this manual as tools to assist the county election commissions with monitoring timely completion of its various duties and responsibilities during each election process.

**County Clerks:**

The law requires that each county clerk or a person designated by the county clerk, attend election training coordinated by the state board prior to the preferential primary election. Also, a deputy county clerk, employee of the county clerk, or other worker who will assist with early voting may be trained by the county clerk or the clerk's designee. [A.C.A. §§ 7-4-109(e)]

**Monitors:**

The state board has the authority to appoint election monitors upon proper request to observe election processes. The law requires that each election monitor attend election training coordinated by the state board prior to the preferential primary election for the purpose of being trained, tested, and certified by the State Board. Certified monitors will also receive specific instructions related to their duties prior to serving. [A.C.A. §§ 7-4-101(f)(6); SBEC Rules for Appointment of Certified Election Monitors § 1004]

**Poll Workers:**

The State Board's procedure for training poll workers requires, prior to every preferential primary, that each county board designate two (2) qualified electors of its county to attend training conducted by the State Board for the purpose of being trained, tested, and certified by the State Board to train poll workers locally.

The law requires that for a regularly scheduled preferential primary election **all poll workers** must have attended training conducted by a State Board-certified trainer. Also, for any future election, all poll workers must have received the required training within twelve (12) months of the election they are working. [A.C.A. §§ 7-4-107(b)(2) as amended by Act 966 of 2019; 7-4-109(e)(1)]

The State Board provides each trainer with a PowerPoint slide presentation and with the equivalent of six (6) poll worker training guides per poll developed and published by the State Board for distribution to the county's poll workers who attend local training conducted by the county's State Board-certified trainers. Materials related to voting system training may be amended to fit the specific circumstances of a particular county. Training materials containing supplemental procedures not addressed by materials provided by the State Board may also be used. However, if a county wants to use its own materials or make changes to the SBEC training material other than adding local supplemental procedures the county must have prior written approval from the SBEC. [SBEC Rules for Poll Worker & County Clerk Training § 207]

The training guides describe poll worker duties and responsibilities on election day, and provide sample forms for gathering information on election day for legally required reporting on the conduct of elections. The State Board also provides a variety of Quick Guides for fast and easy reference on handling common election day procedures.

## **CANDIDATES**

For more information on candidate qualification, filing dates and filing procedures see the Running for Public Office handbook produced by the State Board of Election Commissioners.

### **Multiple Candidacies**

#### **Allowed:**

A person may run for President/Vice President and the U.S. Senate or U.S. House of Representatives in the same primary or general election. *[A.C.A. §§ 7-8-303(b)]*

#### **Prohibited:**

A person who files as a candidate for nomination by a political party is ineligible to be the nominee of any other political party for the same office during the primary election or the following general or special election and ineligible to be an independent or write-in candidate for the same office at the general or special election. *[A.C.A. §§ 7-7-204(a); 14-42-206(b)(6)]*

A person who is certified as an independent candidate is ineligible to be a write-in candidate or the nominee of any political party for the same office at the same general or special election. *[A.C.A. § 7-7-204(b)]*

A person filing for municipal office may file for only one (1) municipal office during the municipal filing period. *[A.C.A. § 14-42-206(e)]*

A person may not run for more than one (1) state, county, municipal, district or township office if the elections are to be held on the same date. *[A.C.A. § 7-5-111]*

### **Political Party Primaries**

#### **Dates:**

The preferential primary for 2020 will be held on March 3, 2020 and will include the party candidates. *[A.C.A. §§ 7-7-203(b); 7-8-201]*

#### **Filing Period:**

The party filing period is a one (1) week period beginning at 12:00 noon on the first Monday of November and ending at 12:00 noon seven days after. *[A.C.A. §§ 7-7-203(c)(1) as amended by Act 545 of 2019]*

#### **Party Certificate:**

Each candidate must obtain a party certificate signed by the secretary or chair of the state or county committee of the political party, depending on the office sought, that evidences the

name and title proposed to be used by the candidate on the ballot, the position the candidate seeks, payment of the fee, if any, and filing of the party pledge, if any, required by the political party. [A.C.A. §§ 7-1-101; 7-7-301(c)]

#### **Filing with the Party:**

The affidavit of eligibility and party pledge, if any, is filed, the filing fee, if any, is paid, and party certificates are issued by the party during regular office hours during the party filing period. [A.C.A. §§ 7-7-203(c)(2); 7-7-301(a)]

#### **Filing with the State or County:**

The party certificate and political practices pledge (if required) must be filed with the Secretary of State or the county clerk, depending on the office sought, during regular office hours during the party filing period. [A.C.A. §§ 7-1-101; 7-6-102(a)(3); 7-7-203(c)(3)]

#### **Certified List of Party Candidates:**

At least ninety-two (92) days before the preferential primary election held in March, the Secretary of State certifies to the various county committees and to all county boards of election commissioners a list of the names of all candidates to be placed on the ballots at the primary who have filed party certificates with the Secretary of State within the time required by law. [A.C.A. § 7-7-304(a)(1) as amended by Act 545 of 2019]

At least ninety-two (92) days before the preferential primary election held in March, the county clerk certifies to the county committees and county board a list of the names of all candidates to be placed on the ballots at the primary who have filed party certificates with the county clerk within the time required by law. [A.C.A. § 7-7-304(b)(1) as amended by Act 545 of 2019]

#### **Names of Certified Candidates Placed on Ballot:**

The county board of election commissioners places the names of all candidates certified to it by the county clerk and Secretary of State on the preferential primary ballot. The order in which candidate names appear on the ballot is determined by lot at a commission meeting (see p. 55). A candidate who runs unopposed for a position on the county political party committee may be omitted from the primary election ballot. [A.C.A. § 7-3-104(a)]

Any candidate who fails to sign and file a political practices pledge (if required) may not be placed on the ballot. [A.C.A. § 7-6-102(e)(1)]

#### **Certification of Results:**

No later than ten (10) days after the preferential primary election, the county board of election commissioners must certify the results of the preferential primary election for county, township, and municipal offices to the county clerk and the county's vote for United States, state and district offices to the Secretary of State. [A.C.A. §§ 7-7-203(e), (g); 7-7-401(a)]

If a candidate receives the majority of the votes cast for that office or position, or if the candidate is unopposed, the candidate shall be declared the party nominee and it shall not be necessary for the candidate's name to appear on the ballot at the general primary election. [A.C.A. §§ 7-7-102; 7-7-304(f)(1)]

**General Primary Election (Runoff):**

The county board of election commissioners conducts the general primary election only if no candidate receives a majority of the vote, or if there is a tie vote for an office. If a general primary election is necessary, the names of the two (2) candidates of the political party who received the highest number of votes for an office shall be placed on the ballots at the general primary election (runoff). [A.C.A. §§ 7-7-102, 7-7-202, 7-7-304(f)(2)]

No later than ten (10) days after the preferential primary election, or if one is held, the general primary election, the county board of election commissioners must certify to the county clerk, the state committees of the political parties and the county committees of the political parties a list of all candidates who were nominated at the primary election for county, township, and municipal offices. No earlier than forty-eight (48) hours, but no later than ten (10) days after the general primary election, the county board of election commissioners must certify the county's vote for United States, state and district offices to the Secretary of State. [A.C.A. §§ 7-7-203(e)(1), (g)(1); 7-7-309; 7-7-401(a), (c)]

**City Administrator Form of Government Cities - Nonpartisan Primary**

**Filing:**

Candidates pay a \$10.00 fee and file a statement of candidacy and a petition with the city clerk not more than ninety (90) days and no later than noon, seventy-five (75) days before the primary election. [A.C.A. §14-48-109(a)(3)]

**Certification:**

The city clerk certifies the names of candidates who properly file for office to the county board of election commissioners at least seventy (70) days before the election. [A.C.A. §14-48-109(a)(6)]

If only one or two candidates file for an office, there is no primary for that office and the county board of election commissioners places the names of the candidates on the general election ballot. If more than two candidates file for an office, the primary is held for that office. The county board of election commissioners certifies the result of the primaries to the city clerk. If a candidate receives a majority of the vote in the primary, that candidate is elected to the office. If no candidate receives a majority of the vote in the primary, the top two vote-getters advance to the general election. [A.C.A. §14-48-109(a)(7), (8)]

**New Parties**

Parties that file a sufficient Petition for New Political Parties with the Secretary of State by the filing deadline, the following additional or altered dates and deadlines apply.

Nominees of a new political party participating in its first election after certification of a sufficient petition will be chosen by convention to be held no later than 12:00 noon on the date of the Preferential Primary. This convention may be held by any method authorized by party rule and may be held at multiple location or times.

Certificate of Nomination for all candidates must be filed with the appropriate County Clerk or the Secretary of State NO LATER THAN NOON on the date of the preferential primary election [A.C.A. § 7-7-205(c)]

Political party nominees chosen by convention as authorized by law are certified by the chair and secretary of the convention. [A.C.A. § 7-7-401(d)(1)]

## **General Election**

### **Certifying Political Party Nominees:**

At least ninety (90) days before the general election, candidates who were nominated at the primary election, or, in the case of recognized party presidential/vice presidential candidates, for United States, state and district offices must submit a certificate of nomination to the Secretary of State. [A.C.A. § 7-7-203(h)(1)(B)(i)]

At least ninety (90) days before the general election, each county political party committee must submit to the county clerk, and the county board of election commissioners, the certified list of its candidates who were nominated at the primary election, for county, township, and municipal offices. [A.C.A. § 7-7-203(h)(2)(B)(i) as amended by Act 649 of 2019]

### **Group Presidential Candidates:**

Presidential candidates of a political group that is not a recognized political party qualify for the general election ballot by filing a petition with the Secretary of State by the first Monday of August before the general election. [A.C.A. § 7-8-302(5)(B)]

### **Independent Candidates:**

#### ***Non-Presidential and Non-Municipal:***

An independent candidate for United States Senate, United States House of Representatives, state, county, township, or district office must file, during the party filing period for the year in which the election is to be held, a political practices pledge, an affidavit of eligibility on a form prescribed by the Secretary of State, the petition on a form prescribed by the Secretary of State under this section, and a notice of candidacy stating the name and title the candidate proposes to appear on the ballot and identifying the elective office sought, including the position number, if any. [A.C.A. § 7-7-103(a)]

#### ***Certification:***

Nomination as an independent candidate for election to office without political party affiliation is certified by petition of electors as authorized by law under Ark. Code Ann. § 7-7-103. [A.C.A. § 7-7-401(e)(2)]

### **Write-in Candidates:**

***United States Senate, United States House of Representatives, State, and District Office:*** [A.C.A. § 7-5-205]

A write-in candidate for these offices must:

1. File with the Secretary of State the notice of write-in candidacy, a political practices pledge, and an affidavit of eligibility for the office no later than the last day of the party filing period; and

2. Provide written notice to the county board of election commissioners of each county in which the candidate seeks election at least 90 days before the general election.

***County and Township Office:*** [A.C.A. § 7-5-205]

A write-in candidate for these offices must:

1. File with the county clerk the notice of write-in candidacy, a political practices pledge, and an affidavit of eligibility for the office no later than the last day of the party filing period; and
2. Provide written notice to the county board of election commissioners of each county in which the candidate seeks election at least 90 days before the general election.

**Write-in Votes Not Counted in Certain Elections:**

Votes for write-in candidates cannot be counted in municipal and presidential elections.

[A.C.A. §§14-43-202, 7-5-205 (limiting write-ins to U.S. Senate, U.S. House, state offices, district offices, county offices and township offices)]

**Municipal Candidates:**

***Filing – Mayor Council Form Nonpartisan Municipal Offices:***

Candidates file a petition, political practices pledge, and an affidavit of eligibility with the county clerk during a one week period ending 90 days before the general election by noon, unless the city has passed an ordinance setting the filing period to begin twenty (20) days before the preferential primary election and to end at noon on the day before the preferential primary election. For municipalities situated in multiple counties, the candidate files with the county clerk of the county with the highest population of the municipality, and the county clerk certifies the candidate to the other counties. [A.C.A. §§ 14-42-205; 14-42-206(b), (d)]

***Filing – City Manager Form:***

Candidates file petition with the city clerk or recorder not more than 102 nor less than 81 days before the general election by noon. [A.C.A. §14-47-110(a)(2)]

***Certification – City Manager Form:***

The city clerk certifies the names of candidates who properly file for office to the county board of election commissioners at least 75 days before the election. [A.C.A. §14-47-110(a)(3)(D)]

***Filing – City Administrator Form:***

Candidates file petition for nomination not more than 90 or less than 75 days before the general election by noon. [A.C.A. §14-48-109]

**Certification of Nominees:**

At least seventy-five (75) days before each general election, including the nonpartisan general election held in March, the county clerk of each county must certify to his or her county board a full list of all candidates to be voted for in the county at the general election. [A.C.A. § 7-5-203(b)(1)]

At least seventy-five (75) days before each general election, including the nonpartisan general elections held in March, the Secretary of State must certify to all county boards full lists of all



candidates for all federal, state and district offices to be voted for in their respective counties at the general election. *[A.C.A. § 7-5-203(a)(1)]*

### **Nonpartisan General Election and Runoff**

#### **Filing:**

Nomination as a nonpartisan candidate for Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney is considered certified upon the candidate's filing with the Secretary of State a political practices pledge and either paying a filing fee or upon determination that sufficient signatures were obtained by petition. *[A.C.A. §§ 7-6-102(a)(5), (6); 7-7-401(e)(1); 7-10-103(b), (c)]*

#### **Write-in Candidates for Justice of the Supreme Court, Judge of the Court of Appeals, Circuit Judge, District Judge, or Prosecuting Attorney:**

A write-in candidate must give written notice to the county board of election commissioners of each county in which the candidate seeks election and file with the Secretary of State the notice of write-in candidacy, and a political practices pledge for the office no later than eighty (80) days before the Nonpartisan General Election. *[A.C.A. § 7-10-103(d)]*

#### **Certification to the Election Commission:**

Candidates for Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney are certified to the county board of election commissioners by the Secretary of State in the same manner and on the same dates as political party candidates for the primary and, if there is a runoff, in the same manner and at the same time as candidates for the general election.

### **Annual School Election**

#### **Filing:**

A candidate for school district board of directors may appear on the ballot by filing a petition during a one week period ending at noon on August 1st before a school election held in November. The party filing period for the school election held in March of 2020 is the party primary filing period which is the one week period ending on November 12, 2019 or the one week period ending on March 1<sup>st</sup> when holding an election in May of the years when the President is NOT on the ballot. *[A.C.A. § 6-14-111(e) as amended by Act 545 of 2019]*

A write-in candidate must file a notice of candidacy during the party filing period in order to have votes for the candidate counted. *[A.C.A. § 6-14-111(g)]*

#### **Certification:**

The county clerk of the county where the school district is domiciled must certify to all of the affected county boards the names of all candidates who have filed a proper petition and all write-in candidates for each school district on the day after the filing deadline. *[A.C.A. § 6-14-111(i)]*

### **Special Elections to Fill Vacancies in Office**

The entity calling the special election (usually the Governor or a city council) must include in the calling document (usually a proclamation or ordinance) the dates of the special election and any associated special primary, filing periods, and certification deadlines. [A.C.A. § 7-11-102]

### **Candidate Withdrawal and Death**

#### **Notice of Withdrawal:**

The notice from a candidate of his or her desire to withdraw must be in writing, signed by the candidate, and acknowledged before an officer authorized to take acknowledgements.

[A.C.A. §§ 7-5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]

#### **Withdrawal Before the Certification Deadline/Not Placed on Ballot:**

If a candidate dies or notifies the Secretary of State or county clerk, depending on the election, of his or her desire to withdraw as a candidate for the office or position, the candidate shall not be certified and shall not be placed on the ballot. [A.C.A. §§ 7-5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]

#### **Withdrawal After the Certification Deadline/Votes Counted:**

Votes received by a candidate whose name appeared on the ballot and who withdrew or died after the certification of the ballot are counted. [A.C.A. §§ 7-5-315(b)(1); 7-7-304(c)(1)]

#### **Withdrawal from Municipal or County Runoff:**

If one of the two runoff candidates withdraws before certification of the result of the general election, the remaining runoff candidate is declared elected and there is no runoff.

[A.C.A. § 7-5-106(d)]

#### **Withdrawal from Annual School Election Runoff:**

If one of the two runoff candidates withdraws before certification of the result of the annual school election, the remaining runoff candidate is declared elected and there is no runoff.

[A.C.A. § 6-14-121(c)]

### **Vacancy in Nomination**

If a candidate for a party's nomination withdraws or dies after certification but receives enough votes at the primary election to win the nomination, there is a vacancy in nomination.

[A.C.A. § 7-7-304(c)(2)]

If a candidate for a party's nomination withdraws or dies after certification but receives enough votes to advance to the primary runoff election, the person's name must be placed on the primary runoff election ballot. [A.C.A. § 7-7-304(c)(3)]

If the candidate who withdraws or dies receives enough votes to win the primary runoff election, there is a vacancy in nomination. [A.C.A. § 7-7-304(c)(4)]

If there is a tie vote in a general primary (runoff) there is a vacancy in nomination and the vacancy will be filled by convention. [A.C.A. § 7-7-104(b)]

**Filling a Vacancy in Nomination:**

Vacancies in nomination may be filled by a political party only if the vacancy resulted from the death or withdrawal due to illness of a candidate who won the preferential primary, a tie vote in the general primary or if a candidate who won the preferential primary withdraws due to moving out of the jurisdiction or filing for another office. [A.C.A. § 7-7-104(b), (c)]

If the vacancy in nomination is due to death, illness, moving or filing for another office, the political party may choose to fill the vacancy by convention or special primary called by the Governor. The name of the nominee who is filling a vacancy in nomination shall be immediately certified to the Secretary of State and to the appropriate county board of election commissioners. If the new nominee is not selected in time to file a certificate of nomination with the party at least seventy-six (76) days before the general election, the name of the person who vacated the nomination appears on the ballot and votes for that person count for the replacement nominee **IF** the certificate of nomination is filed at least forty-seven (47) days before the general election. The county board must post notice at the polls to that effect and provide a copy of the notice for the county clerk to send to an absentee voter along with his or her instructions. [A.C.A. § 7-7-104(d)(2), (f)]

**Untimely Notification/Vacancy Not Filled:**

If the party fails to notify the Governor within ten(10) days of the occurrence as defined above or if the vacancy in nomination occurs for any reason other than death, serious illness, the candidate's moving out of the area from which elected as the party's nominee, filing for another office, or a tie vote following a general primary election, the vacancy in nomination is not filled. [A.C.A. § 7-7-104(c)(2) as amended by Act 648 of 2019]

**Holding a Convention:**

When a convention is held to fill a vacancy in nomination, the convention shall occur and be conducted in accordance with respective political party rules after notice is provided by the political party to the Governor. [A.C.A. § 7-7-104 (b), (e) as amended by Act 648 of 2019]

**Special Primary Election:**

If within the time prescribed, the party notifies the Governor of its desire to hold a special primary election to fill a vacancy in nomination, the Governor must issue a proclamation within five (5) days calling for the special election. The special primary election to fill a vacancy in nomination shall occur no earlier than thirty (30) days and no later than sixty (60) days after the filing deadline. [A.C.A. § 7-7-104(d)(1)]

**Vacancy in Candidacy for Nomination**

A vacancy in candidacy for nomination occurs when an unopposed candidate in a preferential primary cannot accept nomination due to death or when an unopposed candidate in a preferential primary refuses nomination due to a serious illness. [A.C.A. § 7-7-106(a)]

**Filling a Vacancy in Candidacy for Nomination:**

A vacancy in candidacy for nomination may be filled at a convention of the political party in accordance with respective political party rules. [A.C.A. § 7-7-106 (b), (c) as amended by Act 648 of 2019]

If the vacancy in candidacy for nomination is filled at a convention of the political party more than sixty-six (66) days before the preferential primary election, the name of the person chosen at the convention to fill the vacancy is placed on the preferential primary ballot instead of the name of the person who vacated the candidacy. [A.C.A. § 7-7-106(d)]

The person chosen at the convention of the political party and subsequently elected at the preferential primary election to fill the vacancy in candidacy is declared the nominee.

If the vacancy in candidacy for nomination is filled at a convention of the political party less than sixty-six (66) days before the preferential primary election, the name of the person who vacated the candidacy is placed on the preferential primary ballot. [A.C.A. § 7-7-106(e)]

***Best Practice:*** The CBEC should post a notice explaining that votes for the person who vacated his or her nomination will count for the new nominee.

The person chosen at the convention of the political party to fill the vacancy in candidacy is declared the nominee even though the name of the person who vacated the candidacy appears on the preferential primary ballot. [A.C.A. § 7-7-106(e)]

If the vacancy in candidacy for nomination is not filled at a convention of the political party before the date of the preferential primary election, a vacancy in nomination exists on the date of the preferential primary election and is filled according to Ark. Code Ann. § 7-7-104, as described on the previous page. [A.C.A. § 7-7-106(f)]

**Vacancy in Election:**

If a candidate withdraws or dies after certification but receives enough votes at the general election to win the election, a vacancy in election shall be declared. [A.C.A. § 7-5-315(b)(2)(A)]

If a candidate withdraws or dies after certification but receives enough votes to qualify for a runoff election, the person's name must be placed on the runoff election ballot. [A.C.A. § 7-5-315(b)(2)(B)(i)]

If a candidate withdraws or dies after certification but receives enough votes to win the runoff election, a vacancy in election shall exist. [A.C.A. § 7-5-315(b)(2)(B)(ii)]

**Filling a Vacancy in Office:****State, District, Federal, County and Township:**

Vacancies in the U.S. Senate (under some circumstances), state constitutional offices, judicial offices, and prosecuting attorney are filled by appointment of the Governor. *[Amendment 29 of the Arkansas Constitution; A.C.A. § 7-8-102]*

Vacancies for Lieutenant Governor, members of the state General Assembly, and members of the U.S. House of Representatives, and members of the U.S. Senate (under some circumstances) are filled by special election. *[A.C.A. §§ 7-7-105, 7-8-102]*

Except for constable and quorum court, vacancies in county offices are filled by vote of the quorum court. Constable and quorum court vacancies are filled by appointment by the governor. *[A.C.A. § 14-14-1310]*

**Mayor/Council Cities of the First Class:**

Vacancies in the office of mayor in cities of the first class with the mayor/council form of government are generally filled by special elections. However, if the remainder of the term is less than one year, the city council may appoint a person to fill the vacancy for the remainder of the term. If the remainder of the term is more than one year, the city council may appoint a person to temporarily hold the position until a special election is held. *[A.C.A. §§ 14-43-304(d), 14-43-401(b), 14-43-412]*

Vacancies in the office of council member in cities of the first class with the mayor/council form of government and less than 20,000 in population are filled by the city council for the remainder of the term. The same procedure applies to such vacancies in cities more than 20,000 in population, except when the remainder of the term is more than one year, in which case the city council may appoint a person to fill the vacancy until a special election is held. *[A.C.A. § 14-43-411]*

Vacancies in all other offices in cities of the first class with the mayor/council form of government are filled by the city council until the next general election. *[A.C.A. § 14-43-412]*

**Cities of the Second Class:**

Vacancies in the office of mayor in cities of the second class are filled by the city council or a special election, at the discretion of the city council. *[A.C.A. § 14-44-106]*

Vacancies in the office of council member, recorder, treasurer or recorder-treasurer, and marshal in cities of the second class are filled by the city council for the remainder of the term. *[A.C.A. § 14-44-104]*

**Incorporated Towns:**

Vacancies in the office of mayor in incorporated towns are filled by the town council or a special election, at the discretion of the city council. *[A.C.A. § 14-45-103]*

Vacancies in the office of council member and recorder-treasurer in incorporated towns are filled by the town council for the remainder of the term. *[A.C.A. § 14-45-103]*

**City Administrator Cities:**

Vacancies in offices in city administrator form of government cities are either filled by the board of directors for the remainder of the term or by special election, at the discretion of the board. *[A.C.A. § 14-48-115]*

**City Manager Cities:**

Vacancies in the office of director in city manager form of government cities are filled by the board of directors for the remainder of the term. *[A.C.A. § 14-47-113]*

**School Board:**

Vacancies on a school district's board of directors are filled by the board. If the board fails to fill a vacancy after thirty (30) days, the vacancy is filled by the quorum court.*[A.C.A. § 6-13-611]*

## MEASURES AND QUESTIONS

**State**

At least seventy-five (75) days before the general election, the Secretary of State shall certify to all county boards of election commissioners, for posting and placement on the ballot, proposed amendments to the Arkansas Constitution and other measures or questions to be submitted to a vote of the people regardless of whether the sufficiency of a petition has been determined or whether challenged in a court of competent jurisdiction. *[A.C.A. § 7-5-204]*

Not less than eighteen (18) days before the general election, the Secretary of State must furnish the county boards a certified copy of the ballot title and popular name of each proposed measure and referred act to be voted upon. *[A.C.A. § 7-9-115]*

**Local**

At least seventy (70) days before the general election, the county clerk shall certify the sufficiency of all county initiative petitions to the county board in order to be included on the general election ballot. *[A.C.A. § 14-14-915(b)(3)]*

Municipal initiative petitions may be filed as late as sixty (60) days before the election, so the city clerk will certify the sufficiency of those petitions as soon as possible after filing.  
*[Article 5, Section 1 of the Arkansas Constitution]*

## VERIFICATION OF VOTER REGISTRATION

Voters at the polls and voting Absentee will be required to present specific kinds of photo identification (ID) to verify their voter registration. Voters at the polls who fail to provide proper photo ID may cast a provisional ballot that can be counted if the voter returns to the county clerk or election commission by noon Monday after the election with their photo ID, or signs a Verification of Identity statement, at the time of casting a provisional ballot, swearing that the voter is registered to vote in the state and that they are the person registered to vote using that voter's name, date of birth, and voting address. In addition, the voter must be lawfully registered in that county and have voted on the correct ballot

Voters at the polls and voting absentee must present photo identification unless they are residents of a long-term care facility, in which case they may instead present documentation from the administrator attesting to their status in the facility. Uniformed services members and their spouses voting absentee under UOCAVA provisions are not required to provide photo identification.

The photo identification is a document that shows the name and photograph of the voter; is issued by the United States, the State of Arkansas, the county clerk, or an accredited post educational institution in the State of Arkansas and, if it has an expiration date, expired no more than four years before the election.

### STATE BOARD RULES ON VERIFICATION OF VOTER REGISTRATION

The State Board of Election Commissioners' Rules on the Verification of Voter Registration are available on the State Board's website at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec).

## ABSENTEE AND EARLY VOTING

### County Clerk's Authority

The county clerk has statutory authority over all absentee voting and over any early voting conducted by the clerk. [A.C.A. § 7-5-401(a)]

The county clerk who conducts early voting must be furnished a suitable room at the county courthouse or other location designated for absentee and early voting. [A.C.A. § 7-5-401(b)]

In counties with dual county seats, the county clerk must conduct absentee voting in the courthouse or other room provided by the county and conduct early voting in each county seat if the county clerk conducts early voting under Ark. Code Ann. § 7-5-418. [A.C.A. § 7-5-401(c)]

The county board of election commissioners is responsible for counting legally cast absentee ballots and votes cast during early voting.

## **Early Voting**

### **Conduct:**

Except as otherwise provided by law, early voting must be conducted in the same manner as voting on election day. Conduct that is prohibited or restricted on election day is prohibited and restricted on the days that early voting is conducted. [A.C.A. § 7-5-418(f)]

### **Candidates as Observers at Early Voting:**

A candidate may be present in person at early voting locations only to observe whether or not votes are fairly and accurately cast. A candidate present as an observer may not challenge voters as a poll watcher during early voting and may speak only to a designated poll worker.

A candidate who is present in person at an early voting location to observe may not speak to voters or disrupt the orderly conduct of the election.

A candidate who is a public official and who is present in person at an early voting location to observe shall not wear on his or her person any uniform, badge, or other apparel or equipment that identifies the candidate as a public official.

[A.C.A. § 7-5-413(d); Rule 903 for Poll Watchers, Vote Challenges, and Provisional Voting]

### **Off-Site:**

The county board of election commissioners is responsible for deciding whether to hold early voting at additional polling sites outside the county clerk's office. [A.C.A. § 7-5-418(b)(1)(A)]

If the county board votes to hold off-site early voting at one (1) or more conveniently located polling sites on all the days and times required by law for the county clerk, the county clerk may choose not to hold early voting in his or her office. [A.C.A. § 7-5-418(b)(3)(B)]

The county board must notify the county clerk of its decision to hold off-site early voting within ten (10) days of its decision. [A.C.A. § 7-5-418(b)(3)(A)]

The county clerk must notify the county board of his or her decision not to conduct early voting in his or her office within ten (10) days of receipt of the county board's notice of holding off-site early voting. [A.C.A. § 7-5-418(b)(3)(B)]

The county board determines, by unanimous vote, the location of off-site early voting polls. [A.C.A. § 7-5-418(b)(1)(B)]

Voting locations must adequately allow an early voter to personally and secretly execute his or her ballot. [A.C.A. § 7-5-418(e)] See Advisory Standards 2015-001 and 2015-002.

### **Dates and Times of Early Voting:**

#### ***Preferential Primary and General Elections:***

For the preferential primary and nonpartisan general elections held in March and for the general and nonpartisan general runoff elections held in November, early voting begins fifteen (15) days before the election from 8:00 a.m. to 6:00 p.m. on Monday through Friday,



from 10:00 a.m. to 4:00 p.m. on Saturday, and ends at 5:00 p.m. on the Monday before the election. [A.C.A. § 7-5-418(a)(1)(A)]

If off-site early voting is held in addition to early voting conducted by the county clerk's office, off-site voting can take place on any Monday through Friday at any time between the hours of 8:00 a.m. and 6:00 p.m., on any Saturday at any time between the hours of 10:00 a.m. and 4:00 p.m. beginning fifteen (15) days before the election and ending no later than 5:00 p.m. on the Monday before the election. [A.C.A. § 7-5-418(b)(1)(A)]

***Other Elections:***

For general primary (primary runoff) elections held in March, general runoff elections held in November and special elections, early voting begins seven (7) days before the election during regular county clerk office hours and ends on the day before the election at the time the county clerk's office regularly closes. [A.C.A. § 7-5-418(a)(2)]

If off-site early voting is held in addition to early voting conducted by the county clerk's office, off-site voting can take place on any of the days and times during regular county clerk office hours beginning seven (7) days before the election and ending on the day before the election no later than the time the county clerk's office regularly closes. [A.C.A. § 7-5-418(b)(1)(A)]

**Holidays:**

Early voting shall not be held on state or county holidays. [A.C.A. § 7-5-418(a)(1)(B)]

**Poll Workers:**

The county board appoints poll workers for any off-site early voting polling site in the same manner as poll workers are appointed for election day. [A.C.A. § 7-5-418(b)(2)]

**Public Notice:**

At least twenty (20) days before the preferential primary and nonpartisan general elections held in March and the general and nonpartisan general runoff elections held in November; at least ten (10) days before primary runoff elections held in June, general runoff elections held in November, and any special election; and again at least five (5) days before all elections, the county board must publish in a newspaper of general circulation in the county the places and times for early voting, along with all other public notices required by Ark. Code Ann. § 7-5-202. This notice includes, but is not limited to, the location where a list of appointed election officials can be found and when it is available and directions for filing an objection to the service of the elected official. [A.C.A. § 7-5-202(a)(3), (b)(1)]

**Voting Machines:**

The county board of election commissioners must place at least one (1) voting machine equipped for use by voters with disabilities at the county clerk's designated early voting location and at any off-site polling locations established by the county board. [A.C.A. §§ 7-5-413(a)(1); 7-5-418(a)]

**Ballots, Machines, and Materials:**

All voted ballots, all un-voted ballots, and all election materials at an off-site early voting location must be stored in a secure location in the county courthouse or in a secure location determined by the county board immediately after the poll closes each day that early voting is conducted at the off-site poll. [A.C.A. § 7-5-418(b)(5)]

At the close of each day of early voting and when early voting is concluded, the clerk at the county clerk's designated early voting location and poll workers at any off-site early voting poll must secure the voting machines against further voting. [A.C.A. § 7-5-413(b)]

After completion of the canvass of early votes cast by voting machines, the machines must be secured and remain inaccessible to voting. [A.C.A. § 7-5-413(c)(1)]

**Absentee Voting**

**Rejected Absentee Applications:**

The county clerk cannot send an absentee ballot to a voter if the signature on the absentee ballot application is not similar to the voter's signature in the voter registration file. Absentee applications that are rejected by the county clerk for other reasons, and for which the applicant cannot be reached for resolution, will be forwarded to the county board of election commissioners for determination as to whether the applicant is a qualified elector. [A.C.A. § 7-5-409(a)]

**Dates:**

Absentee voting begins no later than forty-six (46) days before the preferential primary and nonpartisan general elections held in March, the general and nonpartisan general runoff elections held in November, the annual school election held concurrently with either the preferential primary or the general elections, and any special elections. [A.C.A. § 7-5-407(a)]

Absentee voting begins no later than ten (10) days before the general primary (primary runoff) election held in June and the general runoff election held in November. [A.C.A. § 7-5-407(b)]

**Ballots:**

The county board is responsible for providing county clerks with ballots for absentee and early voting as soon as possible and no later than forty-seven (47) days or ten (10) days before an election, as the case may be. [A.C.A. §§ 7-5-211(c); 7-5-407]

**Special Runoff Ballots:**

The county board must also prepare a special absentee ballot for qualified electors of this state who are temporarily outside the territorial limits of the United States. This special absentee ballot must be marked "special runoff ballot" and shall permit the absentee voter to vote in the primary runoff election or general runoff election by indicating his or her order of preference for each candidate for each office. [A.C.A. § 7-5-406(c)]

The county clerk sends a special runoff ballot and instructions to eligible voters along with the absentee voter's absentee ballot for the primary election and for the general election. [A.C.A. § 7-5-406(c)]

There is no special absentee runoff ballot for the runoff election held in November for judges and prosecutors. [A.C.A. § 7-5-406(c)]

**Deadlines for Voters to Deliver Absentee Ballots to County Clerk:**

Absentee ballots delivered to the county clerk in person by the voter must be received by the close of regular business hours on the day before the election to be counted. [A.C.A. § 7-5-411(a)(3)]

Absentee ballots delivered to the county clerk by a designated bearer, administrator, or authorized agent must be received by 7:30 p.m. on election day to be counted. [A.C.A. § 7-5-411(a)(2)]

Except for absentee ballots of qualified electors outside the United States and of uniformed services personnel serving in active status, absentee ballots that are mailed must be received by the county clerk by 7:30 p.m. on election day to be counted. [A.C.A. § 7-5-411(a)(1)(A)]

Absentee ballots of qualified electors outside the United States on election day can be counted if the voter applied for the ballot at least thirty (30) days before the election, and the ballot is signed, dated, postmarked, and mailed no later than the day of the election and received by the county clerk no later than 5:00 p.m. ten (10) days after the election. [A.C.A. § 7-5-411(a)(1)(B)(i)]

Absentee ballots of active duty uniformed services personnel will be counted if executed no later than the date of the election (postmark is not required) and received by the county clerk no later than 5:00 p.m. ten (10) days after election day. [A.C.A. § 7-5-411(a)(1)(B)(ii)]

Proper absentee ballots mailed in bulk by a hospital or an administrator of a long-term care or residential care facility licensed by the state are counted provided that the appropriate documentation is included, and that the ballots are timely received on election day. [A.C.A. § 7-5-411(a)(1)(C)]

**Appointing Absentee Election Clerks:**

The county board appoints absentee clerks to process, count, and canvass absentee ballots in the same manner and at the same time that poll workers are selected for election day. The absentee clerks must possess the same qualifications as the poll workers working election day polls. [A.C.A. § 7-5-414(b)(2)]

**Public Notice:**

At least twenty (20) days before preferential primary and nonpartisan general elections held in March and general and nonpartisan general runoff elections held in November and at least ten (10) days before primary runoff elections held in March, general runoff elections held in November, and any special elections, the county board must give public notice in a newspaper of general circulation in the county of the time and location of the opening, processing, canvassing, and counting of absentee and early voting ballots along with all other public notices required under A.C.A. § 7-5-202. This notice includes, but is not limited to, the location where a list of appointed election officials can be found and when it is available and directions for filing an objection to the service of the elected official. For counties that begin opening

the “outer envelope” prior to election day, the notice must include the date, time and location of the opening. [A.C.A. §7-5-416(a)(2)]

### **Verification of Voter Registration in Absentee Ballots**

Absentee voters are required to verify their voter registration when they return their absentee ballot by including a copy of a photo ID which satisfies the requirement of Amendment 51 of the Arkansas Constitution. See page 37. Unless otherwise exempted, an absentee ballot which is returned and which does not include the required copy of the voter’s photo ID shall be considered a provisional ballot. Voters who are active duty members of the uniform services of the United States, the United States Merchant Marine, or the spouse or dependent of any such service member, who are absent from the country due to this service are not required to verify their voter registration. Voter who are a resident of a long-term care or residential care facility licensed by the state of Arkansas are not required to verify their voter registration so long as they provide documentation from the administrator of the facility attesting that the person is a resident of the facility.

If an absentee ballot is designated as a provisional ballot, the ballot shall be counted if the provisional/absentee ballot is accompanied by a verification of identity affirmation in which the voter affirms under penalty of perjury that the voter is registered to vote in the state of Arkansas and that the voter is the person who is registered to vote using that voter’s name, date of birth, and voting address. In addition, the voter must be lawfully registered in that county and have voted on the correct ballot. If such an affirmation is not signed, the provisional/absentee ballot may only be counted if the voter verifies their voter registration to the county clerk or county board of election commissions before 12:00 noon on the Monday following the election and there is no other legal basis requiring the ballot to not be counted.

If a voter’s absentee ballot has been made provisional and that voter does not sign the verification of identity affirmation or verify his or her voter registration following the election, that provisional absentee ballot will not be counted.

## ELECTION PRECINCTS

### **Establishing and Altering Precincts by Order**

The county election commission establishes precincts and by order may alter the boundaries of existing election precincts and establish new ones. [A.C.A. §§ 7-5-101(a)(1)(A), (b)(1); 7-7-303]

Precincts must contain no more than 3,000 registered voters. Precincts that contain more than 3,000 voters must be redrawn at least one hundred twenty (120) days before the next election. [A.C.A. § 7-5-101, (b)(3)]

#### **Written Description/Map:**

The order establishing precincts shall contain a written description and map of the boundaries of the precincts that were altered or established and will not be effective until it has been filed with the county clerk. [A.C.A. § 7-5-101(b)(3)]

#### **Records:**

Within thirty (30) days after the boundaries of an election precinct are altered or a new election precinct is established, the county clerk shall submit written, printed and digital copies of the map and description to the Secretary of State and the Arkansas Geographic Information Systems Office. [A.C.A. § 7-5-101(c)(1)]

Upon receipt of the changes, the Secretary of State immediately forwards a copy to the Office of the Attorney General, Census State Data Center, and Mapping and Graphics Section of the Planning and Research Division of the Arkansas State Highway and Transportation Department. [A.C.A. § 7-5-101(c)(2)]

### **Preferential Primary Elections**

Election precincts in all political party primary elections are the same as established by the county board of election commissioners for general elections. [A.C.A. § 7-7-303]

### **Restrictions**

A precinct may not be altered nor can a new precinct be created by the county board of election commissioners less than sixty (60) days before an election, except in the event of an emergency as determined by unanimous vote of the county board of election commissioners. [A.C.A. § 7-5-101(b)(2)]

## POLLING SITES

### **Designation**

The county board of election commissioners must designate a polling site for each precinct. [A.C.A. § 7-5-101(a)(1)(B)(i)]

#### **Combined Precincts:**

A polling site may serve two (2) or more precincts or parts of precincts. [A.C.A. § 7-5-101(a)(1)(B)(ii)]

**Unanimous Vote of County Board:**

Designation of polling sites requires a unanimous vote of the members of the county board that are present at the public meeting, except as provided for school elections in Ark. Code Ann. § 6-14-106. [A.C.A. § 7-5-101(a)(2)]

**Joint Primary Elections/Common Polls:**

For primary elections, the county board must establish common polling places for the joint conduct of the primaries of all political parties. [A.C.A. § 7-7-202(d)]

**Location:**

The county board must provide voting locations that are accessible to voters with disabilities and must provide reasonable and adequate methods for voters with disabilities to personally and secretly execute their ballots at the polling places. [A.C.A. § 7-5-311(a)]

Each county shall provide polling places adequate for the operation of the county's voting system, including without limitation access to a sufficient number of electrical outlets and telephone lines, if necessary. [A.C.A. § 7-5-301(f)]

**Vote Centers:**

Vote centers are election day polling sites where a voter from any precinct in the county may vote. Vote centers may be established by the county board of election commissioners, only if authorized by the quorum court. [A.C.A. § 7-1-113]

The Secretary of State has promulgated rules relating to the operation of vote centers.  
[A.C.A. § 7-1-113(f)]

**ADA Compliance:**

The county boards are responsible for compliance with Ark. Code Ann. § 7-5-311 and with Public Law 98-435, Title II of Public Law 101-336, the Americans with Disabilities Act, and the Help America Vote Act regarding the accessibility of voting locations for voters with disabilities. The Secretary of State's Office may be able to assist with grant funds to meet ADA requirements. Contact the Elections Division for more information.

[A.C.A. § 7-5-311(d)(1)]

**STATE BOARD ASSISTANCE ON ADA COMPLIANCE**

The State Board of Election Commissioners assists local election authorities with the implementation of Title II requirements of the Americans with Disabilities Act and with the Title III requirements of the Help America Vote Act regarding accessibility for voters with disabilities.  
[A.C.A. § 7-5-311(b)]

Before each general election, the State Board sends each county detailed and comprehensive written directives relating to and based upon Title II of the Americans with Disabilities Act guiding county boards of election commissioners in the preparation of forms for evaluating and reporting on the accessibility of the county's polling sites. Based upon information provided by the counties to the State, the State Board compiles a report demonstrating compliance by the county election authorities.

**Reduction/No Poll**

If there are no opposed races and no other ballot issues to be decided at a primary election, the county board of election commissioners may declare and certify the candidate as elected. [A.C.A. § 7-7-313]

In a special election to fill a municipal vacancy, or when requested by a school board (See, “Annual School and Special Elections section beginning on page 101) when there is only one candidate and no other issues on the ballot, the election commission also has the option to declare an “election by candidate” in which:

- No polling places will be open and the candidate can cast a ballot for himself at a designated time and location on the special election day.
- The election commission must publish notice that an “election by candidate” will be held and that no polling places will be open. The notice must appear in a newspaper and be posted on the door of each polling place that would have otherwise been open for the election
- The candidate shall be declared elected when the candidate casts a ballot for herself or himself.

**Restrictions**

Unless changed by order of the county board of election commissioners, the polling sites for each election are the same as those established for the immediately preceding general election, except as provided in Ark. Code Ann. § 6-14-106 for school elections (same as last school election). [A.C.A. § 7-5-101(d)(1)]

A polling site cannot be changed by the county board less than thirty (30) days before an election, except in the event of an emergency. Notice of a polling site change is posted at the former polling site. Also, notice is mailed by the county clerk to all affected voters except that mail notice is not required for school elections, special elections and emergency changes made within fifteen (15) days of an election. [A.C.A. § 7-5-101(d)(2), (3)]

## **POLL WORKERS, ABSENTEE CLERKS, AND OTHER ELECTION OFFICIALS**

Election officials include county election commissioners, poll workers, absentee ballot clerks, persons who perform election coordinator duties, and deputy county clerks or persons assigned by a county clerk to conduct early voting. This section applies to absentee ballot clerks and to those poll workers appointed by a county election commission for election day and early voting when the election commission conducts early voting.

***Best Practice:** If possible, election officials designated for central count tabulation should represent both the majority and minority parties.*

### **Selection/Appointment**

The county board of election commissioners must select and appoint a sufficient number of poll workers for each polling site and appoint absentee clerks at least twenty (20) days before the election. [A.C.A. §§ 7-4-107(b)(1); 7-5-414(b)(1); 7-7-302]

#### **Number of Appointed Poll Workers:**

Each polling site must have a minimum of two election clerks, one election judge, and one election sheriff. The election judge shall serve as the poll supervisor. [A.C.A. § 7-4-107(b)(2) as amended by Act 966 of 2019]

#### **Split Shifts:**

A poll worker may be permitted by the county board to work half-day or split shifts at a poll on election day, if the required number of poll workers is always present. [A.C.A. § 7-4-107(d)]

#### **Minority Party Representation:**

The minority party member of the county board shall have 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. Absentee clerks shall be appointed in the same manner.

[A.C.A. §§ 7-4-107(b)(2); 7-5-414(b)]

#### **Failure to Agree on Selection:**

If the county party representatives on the county board fail to agree on any poll worker or absentee clerk to fill any election post allotted to that respective party by the deadline for selecting and appointing poll workers and absentee clerks, then the county board appoints the remaining poll workers or absentee clerks. [A.C.A. § 7-4-107(b)(2)]

***EXPLANATORY NOTE:** For polling places where the minority party member of the county board declines to exercise the option to designate poll workers, the workers are selected by majority vote of the board as a whole. When the minority party member exercises the option to designate poll workers at any given poll, the remaining poll workers at that poll are appointed by majority vote of the county board as a whole.*



**Qualifications:**

To serve as a poll worker or absentee clerk, **he or she must be:**

- A qualified elector of the state (see the definition on page 8); [A.C.A. § 7-4-109(a)(1)]
- Able to read and write the English language; and [A.C.A. § 7-4-109(a)(1)]
- A resident of the precinct that he or she will serve at the time of appointment, unless it is impossible to obtain qualified poll workers for any precinct, in which case, the county board can, by unanimous vote and upon certification to the county clerk, designate another qualified citizen of the county to serve in the precinct. [A.C.A. § 7-4-109(b)]

All poll workers and absentee clerks must attend training coordinated by the State Board of Election Commissioners. [A.C.A. § 7-4-109(e)(1)]

**Disqualifications:**

***A poll worker or absentee clerk cannot:***

- Have been found or pled guilty or nolo contendere to the violation of an election law of this state; [A.C.A. § 7-4-109(a)(1)]
- Be a paid employee of a political party; [A.C.A. § 7-4-109(c)(1)]
- Be a paid employee of a candidate for office on the county's ballot; [A.C.A. § 7-4-109(c)(1)]
- Be a candidate for an office to be filled at an election while serving as a poll worker; and [A.C.A. § 7-4-109(a)(2)]
- Be married to or related within the second degree of consanguinity to a candidate running for office in the election, if an objection is made to the county board of election commissioners within ten (10) days after the list of officials is posted. [A.C.A. § 7-4-109(d)]
- Be the spouse of a member of the county board of election commissioners, or be the county party chairman or their spouse, if an objection is made to the county board of election commissioners within ten (10) days after the list of officials is posted. [A.C.A. § 7-5-202(a)(2) as amended by Act 258 of 2019]

### STATE BOARD CHART ON DEGREES OF CONSANGUINITY

The State Board of Election Commissioners has developed a chart to assist the commissions in determining a poll worker or absentee clerk's degree of relationship to a candidate on the ballot. The chart of Degrees of Consanguinity is provided in the Forms & Instructions section in the back of this manual.

**Paid Employee of School District:**

A person serving as a poll worker or absentee clerk may be a paid employee of a school district holding a school election [A.C.A. § 6-14-106(f)(2) as amended by Act 553 of 2019]

### **College and High School Students - Special Election Day Program**

The county board of election commissioners may conduct a special election day program for college and high school students in one (1) or more polling places designated by the county board according to Ark. Code Ann. §§ 7-4-116 and 7-4-117.

High school and college students participating shall serve as volunteer election pages without compensation. If the student has received poll worker training, he or she may serve in all the same roles as a poll worker. *[Act 328 of 2019]*

### **Compensation**

Poll workers and absentee clerks receive a minimum of the prevailing state or federal minimum wage for holding an election whichever is greater, or a greater amount as may be appropriated. For elections held in 2020, the state minimum wage will be \$10.00 per hour. An election official may work as a volunteer without pay if they sign an affidavit stating they do not wish to receive compensation or reimbursement. *[A.C.A. § 7-4-112(a)(c) as amended by Act 539 of 2019]*

Poll workers and absentee clerks carrying election materials to and from the polling sites can be paid mileage at the rate appropriated, but not more than the rate prescribed for state employees in state travel regulations. *[A.C.A. § 7-4-112(b)]*

The county board of election commissioners must certify to the county court the per diem of election officials and the mileage of the election officials carrying the returns to the county board for allowance. *[A.C.A. § 7-4-107(c)]*

### **STATE BOARD RULES AND GUIDELINES**

For state-funded elections, the State Board of Election Commissioners has promulgated rules under the Administrative Procedure Act and developed guidelines for reimbursing election officials. *[A.C.A. § 7-7-201(a)]*

The State Board of Election Commissioners' rules for reimbursement of state-funded election expenses are available on the State Board's website at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec).

## **PUBLIC NOTICES**

### **Written Notices**

#### **Drawing for Ballot Position:**

For the preferential primary election held in March, each county board of election commissioners shall hold a public meeting to draw for ballot position at least eighty-nine (89) days before the election. *[A.C.A. §7-7-305(b) as amended by Act 545 of 2019]*

For general elections, each county board of election commissioners shall hold a public meeting to draw for ballot position at least seventy-two (72) days before the election. *[A.C.A. § 7-5-207(c)(1)]*

For runoff elections, the ballot order for eligible candidates is the same as for the previous election leading to the runoff. *[A.C.A. §§ 7-5-207(c)(3); 7-7-201(d)]*

The county board must give at least ten (10) days' written notice of the time and place of the meeting to draw for ballot position to the chairs of the county party committees, if the chairs are not members of the county board. *[A.C.A. § 7-7-305(b)]*

### **Mailings:**

Except for school, special elections, and emergency poll changes, the county clerk shall mail the notice of a change made in a polling site to each affected registered voter at least fifteen (15) days before the election. Emergency changes to polling places made within the fifteen (15) day window do not require mailing. *[A.C.A. § 7-5-101(d)(3)]*

## **Newspaper Publications**

### **Drawing for Ballot Position:**

The county board of election commissioners must publish the notice of holding a public meeting to draw for ballot position in a newspaper of general circulation in the county at least three (3) days before the meeting. *[A.C.A. §§ 7-5-207(c)(2); 7-7-305(b)]*

### **Voting Machine Preparation:**

Before voting, machine preparation can begin, the county board must publish a notice in a newspaper of general circulation in the county stating the time and place voting machines will be prepared for the election and of a time that the machines may be inspected by one representative of each candidate. *[A.C.A. § 7-5-516]*

### **Voting Machine Testing:**

The county board must publish a notice of the time and place of the public testing of voting machines at least forty-eight (48) hours before the testing by publication one time in one or more daily or weekly newspapers in the town, city, or county using the voting machines. *[A.C.A. § 7-5-515(c)(2)]*

### **Electronic Vote Tabulating Device Testing:**

The county board must publish a notice of the time and place of the public testing of electronic vote tabulating devices at least forty-eight (48) hours before the testing by publication one time in one or more daily or weekly newspapers in the town, city, or county using the devices. *[A.C.A. § 7-5-611(b)(1)]*

### **Notice of Election:**

At least twenty (20) days before preferential primary and nonpartisan general elections held in March and general and nonpartisan general runoff elections held in November, the county board must publish public notice of the election in a newspaper of general circulation in the county. *[A.C.A. § 7-5-202(a)]*

At least ten (10) days before primary runoff elections held in March, general runoff elections held in November, and any special elections, the county board shall publish public notice in a newspaper of general circulation in the county. *[A.C.A. § 7-5-202(a)]*

At least five (5) days before all elections, the public notice of the election must be published a second time in a newspaper of general circulation in the county. *[A.C.A. § 7-5-202(b)(1)]*

**Content of Public Notice of Election:**

The public notice of the election shall contain: the date of the election; the hours of voting on election day; the places and times for early voting; polling sites for holding the election in the county; the candidates and offices to be elected; the time and location of opening, processing, canvassing, and counting ballots including absentee and early ballots; the location and date that the list of appointed election officials will be posted and directions for filing an object to the service of an elected official. *[A.C.A. §§ 7-5-202(a) as amended by Act 798 of 2017; 7-5-416(a)(2)]*

When a person has properly filed as a write-in candidate the word “write-in” and the office for which the candidate qualified is included in the notice.

**Postings**

**List of Appointed Election Officials:**

At least fifteen (15) days before the beginning of early voting the county clerk must post the list of appointed election officials (deputy county clerks or persons assigned by a county clerk to conduct early voting) in a public place in the county clerk’s office.

And at least fifteen (15) days before election day, the county board of election commissioners must post the list of appointed election officials (county election commissioners, poll workers, absentee ballot clerks, persons who perform election coordinator duties) in a public place in its county clerk’s office. *[A.C.A. § 7-5-202(b)(2) as amended by Act 798 of 2017]*

**Nominations/Amendments/Measures/Questions:**

At least ten (10) days before the general election, the county board must post a list at the door of the courthouse of all nominations, of all proposed amendments to the Arkansas Constitution, and of all other measures and questions required by law to be submitted to the electors. *[A.C.A. § 7-5-206]*

**Polling Site Changes:**

Notice to the electors of a change made in a polling site must be posted at the polling site used in the last election. *[A.C.A. § 7-5-101(d)(3)]*

## BALLOTS

### Unopposed Candidates

#### **Primary Elections:**

A candidate who runs unopposed for a position on the county committee is omitted from the primary election ballot and the candidate is selected to serve in that position on the county committee in the same manner as if elected at the primary election. *[A.C.A. § 7-3-104(a)(2)(B)]*

When only one candidate qualifies for a particular office or position, the office or position and the name of the unopposed candidate SHALL be printed on the political party's ballot in all primary elections. *[A.C.A. § 7-7-304(d) as amended by Act 1013 of 2019]*

Unopposed candidates for mayors, governor and circuit clerks, and city clerks, are not listed separately on the primary ballot – the separate listing for those offices is only for the general election. *[A.C.A. § 7-5-207(B); Act 254 of 2019]*

#### **General Elections:**

“Non-Judicial State Elected Officials” are candidates for: U.S. House, U.S. Senate, Constitutional Offices, State House and State Senate

For general elections, the names of unopposed candidates for the office of mayor, governor, circuit clerk, city clerk and non-judicial state elected officials are placed on the general election ballot separately and the votes for each contest shall be tabulated as in all contested races. *[A.C.A. §§ 7-5-207(a)(2)(B) (a)(3)(B); 7-5-315 as amended by Act 254 of 2019; 14-42-206(c)(2)]*

All unopposed candidates other than for the offices of mayor, governor, circuit clerk, city clerk and non-judicial state elected officials can be declared and certified elected without being placed on the general election ballot. *[A.C.A. §§ 7-5-207(a) as amended by Act 1013 of 2019; 14-42-206]*

In an election which there are unopposed candidates, other than for the offices of mayor, governor, circuit clerk, city clerk, and non-judicial state elected officials, the phrase “unopposed candidates” shall appear on the ballot in a place where a voter may cast a vote for all unopposed candidates. *[A.C.A. § 7-5-207 (a) as amended by Act 1013 of 2019]*

### Ballots – Miscellaneous

#### **Quantity of Paper Ballots:**

When a county uses a paper ballot voting system whether counted by hand at the polling site, counted by an electronic vote tabulating device at the polling site, or counted at a central location, the county board must provide a minimum number of ballots for each election precinct equivalent to 1.5 times the number of electors voting **on paper ballots** at the last preceding comparable election, up to a maximum of 105% of the total number of registered voters for the respective precinct. *[A.C.A. § 7-5-602(a)]*

The resulting calculation of 105% of the total number of countywide registered voters represents the **maximum** total number of paper ballots to print for the election for the entire county.

For state-funded elections, the State Board of Election Commissioners has promulgated rules under the Administrative Procedure Act defining election expenses that are eligible for reimbursement and has developed guidelines containing instructions and forms for the counties' use in requesting reimbursement from the State Board.

Among many other items, maximum ballot printing costs for those counties using a voting machine system and maximum allowances for printing special absentee are addressed by State Board rules.

**Ballot Errors or Omissions:**

If errors or omissions are discovered in the preparation of ballots, the county board must hold a public meeting and announce the ballot errors or omissions and immediately correct the error or omission or show cause why the correction should not be done. *[A.C.A. § 7-5-209]*

**Ballot Stubs:**

Paper ballots must be printed with a perforated portion capable of being detached for use as the ballot stub. *[A.C.A. § 7-5-601(b)]*

Ballot stubs must be numbered consecutively beginning with the number 1 so that the number on the last ballot printed shall represent the total number of paper ballots provided for the election. *[A.C.A. § 7-5-601(c)]*

**Recall Elections:**

A question of removal of a person holding an elective office with a four (4) year term in a municipality with a mayor-council form of government must appear on the ballot in substantially the following form: "FOR the removal of (name of officer) ..... from the office of (name of office) .....", "AGAINST the removal of (name of officer) ..... from the office of (name of office) .....". *[A.C.A. § 14-42-119]*

**Combined Primary and Nonpartisan General Elections:**

The county boards must furnish separate ballots for each political party containing the names of the candidates seeking the political party's nomination, the names of all qualified candidates seeking election to nonpartisan offices (judges and prosecutors) and all measures and questions, if any, to be decided by the voters. *[A.C.A. §§ 7-7-306; 7-10-102(b)(2)]*

In addition to a combined ballot for each political party, a separate ballot containing the names of the candidates seeking election to nonpartisan offices (judges and prosecutors) and all measures and questions, if any, to be decided by the voters must be prepared for voters who do not wish to vote in a primary. *[A.C.A. §§ 7-7-306; 7-10-102(b)(2)]*

**Certified Nominations:**

Except as provided by law for unopposed candidates, all election ballots provided by the county board of election commissioners of any county in this state for any election shall contain in the proper place the name of every candidate whose nomination for any office to be filled at that election has been certified to the county board and shall not contain the name of any candidate or person who was not certified. [A.C.A. § 7-5-207(a)(1)]

**Form of Ballots****Alike:**

Ballots provided by the county board of election commissioners for an election shall be alike and shall be in plain type, however, different colored ballots may be used at primary elections to distinguish between political parties. [A.C.A. §§ 7-5-208(a); 7-5-601(a); 7-7-305(a)]

**Ballot Heading:**

The heading of each ballot shall read: “OFFICIAL BALLOT (description) ELECTION (date),     (year)     Vote by placing an appropriate mark opposite the person for whom you wish to vote.” [A.C.A. §§ 7-5-208(b)(1); 7-5-601(d)(1)]

If the ballot contains an initiated or referred amendment, act, or other measure, the heading shall also contain these words, “Vote on amendments, acts, and measures by placing an appropriate mark below the amendment (or act or measure) either FOR or AGAINST.”

[A.C.A. §§ 7-5-208(b)(2); 7-5-601(d)(2)]

**Ballot Instructions:**

Paper ballots must contain printed instructions under the heading that inform the voter of the effect of casting multiple votes for an office or measure and how to correct the ballot before it is cast and counted, including instructions on how to correct an error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct an error. [A.C.A. § 7-5-601(e)]

***Best Practice:** If instructions about the use of marking devices are included on the ballot, please consult with the county clerk to avoid any confusion for absentee voters.*

**Marking Areas:**

Ballots must contain a place for marking a vote for a candidate adjacent to and on the same line as the name of each candidate. [A.C.A. § 7-5-208(d)]

Below each act, amendment, or other measure to be voted on (except county and municipal measures referred by petition), the words “FOR” and “AGAINST” must be situated one above the other with a place for marking a vote for each act, amendment, or other measure adjacent to and on the same line of each word. [A.C.A. § 7-5-208(d)]

The words “VOTE FOR \_\_\_\_\_” are placed opposite the designation of each office with the number of persons required to fill the office placed in the blank space. (This will almost always be “VOTE FOR ONE”.) [A.C.A. § 7-5-208(e)]

**Form of Candidate Names and Titles:**

The Secretary of State must review either political practices pledges, if timely filed, or party certificates if the political practices pledge is not timely filed, and certify the form in which the names and titles of candidates filing for federal, state, and district offices will appear on the ballot. [A.C.A. § 7-7-305(c)(2), (3)(A)]

The Secretary of State must review the political practices pledges for nonpartisan candidates filing for the office of Supreme Court, Court of Appeals, circuit court, district court and prosecuting attorney and certify the form in which the candidates’ names and titles will appear on the ballot. [A.C.A. § 7-10-103(f)(2), (3)]

The county boards must review either political practices pledges, if timely filed, or party certificates if the political practices pledge is not timely filed, and certify the form in which the names and titles of candidates filing for county, township, school, and municipal office will appear on the ballot. [A.C.A. § 7-7-305(c)(2), (3)(A)]

The name of every candidate shall be placed on the ballot in the form certified by either the Secretary of State or the county board. [A.C.A. §§ 7-7-305(c)(3)(A); 7-10-103(f)(3)]

If the ballot lacks enough space for the requested title, the county board may substitute an abbreviated title and must immediately notify the affected candidate. [A.C.A. §§ 7-7-305(c)(3)(B), (C); 7-10-103(f)(3)(B), (C)]

A candidate is not permitted to change the form in which his or her name will be placed on the ballot after the deadline for filing the political practices pledge. [A.C.A. §§ 7-7-305(c)(4); 7-10-103(f)(4)]

**STATE BOARD GUIDELINES FOR BALLOT NAME CERTIFICATION**

The State Board of Election Commissioners has developed guidelines to assist the county boards of election commissioners in reviewing local candidate names and titles according to Ark. Code Ann. § 7-7-305(c).

The State Board’s Guidelines for Ballot Name Certification offer guidance on use of given names, nicknames, professional or honorary titles, and titles of elective public offices and are available in the Forms & Instructions Section.

The names of federal, state, judicial, prosecutorial, and district candidates that are certified by the Secretary of State shall be printed on the ballot in the exact form as certified by the Secretary of State.



**Listing of Candidate Names:**

The name of each candidate who has been nominated or has qualified as required by law must be listed on the ballot in a perpendicular column under the name of each office to be filled. [A.C.A. § 7-5-208(c)(1)]

Presidential and Vice-Presidential nominees are bracketed together on the same ballot as if they were candidates and are listed on the ballot instead of listing the names of presidential elector candidates.

**Order of Names on Ballot:**

The county board must hold a public meeting not less than eighty-nine (89) days before the preferential primary and nonpartisan general elections held in March and not less than seventy-two (72) days before the general election held in November and determine by lot the order that the names of candidates will appear on the ballot. [A.C.A. §§ 7-5-207(c)(1); 7-7-305(b) as amended by Act 545 of 2019]

For runoff elections, the ballot order for eligible candidates shall be the same as for the previous election leading to the runoff. [A.C.A. §§ 7-5-207(c)(3); 7-7-305(b)]

***Best Practice:** When determining the order that the names of the candidates will appear on the ballot, ensure that the process is open and transparent by:*

- *publishing the notice of holding a public meeting to draw for ballot position in a newspaper of general circulation in the county at least three (3) days before the meeting as required by law;*
- *determining the ballot position by randomized selection; and*
- *announcing the position of each candidate as it is determined.*

**Party Designation:**

Except for a nonpartisan election or nonpartisan municipal election, beside each candidate's name shall be his or her party designation or the term "INDEPENDENT", as the case may be. [A.C.A. § 7-5-207(d)]

**President and Vice President:**

The names of the candidates for President and Vice President are placed together on the ballot along with their political party designation so that the voter casts one vote for President/Vice President instead of voting for each office independently. Although the President and Vice President are actually elected by electors chosen by the winning party or group/independent slate, the names of the candidates for electors do not appear on the ballot. [A.C.A. § 7-8-302(4)]

**Write-in Candidates:**

A blank line for the voter to write in a name on the ballot is provided, at the bottom of the list of candidates, only for those positions or offices for which a person has qualified as required by law to be a write-in candidate. [A.C.A. §§ 7-5-208(c)(2); 7-5-610]

**Proposed Statewide Measures:**

The ballot title and popular name of each proposed state measure and each referred act are placed on the ballot as certified to the county board by the Secretary of State. [A.C.A. § 7-9-117(a)]

The title and popular name must be stated plainly and followed by the words, “FOR ISSUE NO...”, “AGAINST ISSUE NO...”. [A.C.A. § 7-9-117(b)]

Each ballot title must be separate and apart from each other. [A.C.A. §§ 7-9-117(c)(1); 14-14-917(d)]  
Each statewide measure is designated as an issue by the Secretary of State and numbered consecutively beginning with “Issue 1”. [A.C.A. § 7-9-117(c)(2)]

Each issue, if any, shall be placed on the ballot beginning with constitutional amendments proposed by the General Assembly, followed by initiated constitutional amendments, statewide initiated acts, referred acts of the General Assembly, questions referred by the General Assembly, and other measures that may be referred. [A.C.A. § 7-9-117(c)(2)]

**Proposed Local Measures:**

The ballot titles of measures submitted by municipalities, counties, and other political subdivisions are placed on the ballot separate from statewide measures and numbered consecutively for each political subdivision beginning with initiated local measures, followed by referred local measures, and other measures that may be referred.  
[A.C.A. §§ 7-9-117(c)(3); 14-14-917(b)(1), (d)]

***Ballot Format for Proposed County Initiative:***

The ballot title for county initiative shall be stated plainly and followed by the words, “FOR PROPOSED INITIATIVE ORDINANCE (OR AMENDMENT OR MEASURE) NO. \_\_\_\_\_”, “AGAINST PROPOSED INITIATIVE ORDINANCE (OR AMENDMENT OR MEASURE) NO. \_\_\_\_\_”. [A.C.A. § 14-14-917(d)]

***Ballot Format for Proposed County Measure Referred by Quorum Court:***

The ballot title for a measure referred to the voters of a county by the Quorum Court shall be stated plainly and followed by the words, “FOR PROPOSED REFERRED ORDINANCE (OR MEASURE) NO. \_\_\_\_\_”, “AGAINST PROPOSED REFERRED ORDINANCE (OR AMENDMENT OR MEASURE) NO. \_\_\_\_\_”. [A.C.A. § 14-14-917(d)]

***Ballot Format for Proposed County Measure Referred by Petition:***

The ballot title for a measure referred to the voters of a county by petition shall be stated plainly and followed by the words FOR REPEAL OF THE REFERRED ORDINANCE (OR MEASURE) NO. \_\_\_\_\_”, “AGAINST REPEAL OF THE REFERRED ORDINANCE (OR MEASURE) NO. \_\_\_\_\_”. [A.C.A. § 14-14-917(d)(1)(B)(ii)]

***Ballot Format for Proposed Municipal Initiative:***

The ballot title for municipal initiative shall be stated plainly and followed by the words, “FOR PROPOSED INITIATIVE NO. \_\_\_\_\_”, “AGAINST PROPOSED INITIATIVE NO. \_\_\_\_\_”. [A.C.A. § 14-55-303(a)]

***Ballot Format for Proposed Municipal Measure Referred by Governing Body:***

The ballot title for a measure referred to the voters of a municipality by its governing body shall be stated plainly and followed by the words, FOR REFERRED MEASURE (OR ORDINANCE OR AMENDMENT) NO. \_\_\_\_\_, “AGAINST REFERRED MEASURE (OR ORDINANCE OR MEASURE) NO. \_\_\_\_\_”. [A.C.A. § 14-55-303(b)]

***Ballot Format for Proposed Municipal Measure Referred by Petition:***

The ballot title for a measure referred to the voters of a municipality by petition shall be stated plainly and followed by the words FOR REPEAL OF THE ORDINANCE NO. \_\_\_\_\_, “AGAINST REPEAL OF THE ORDINANCE NO. \_\_\_\_\_”. [A.C.A. § 14-55-303(a)(2)]

## VOTING EQUIPMENT

### Voting Machines

**Demonstration:**

The county board of election commissioners must designate times and places where voting machines shall be demonstrated for instructing voters in their use. Demonstration must be conducted in an accessible public building. [A.C.A. § 7-5-509(a)]

The county board must publish notice in a local newspaper at least forty-eight (48) hours before the demonstration. [A.C.A. § 7-5-509(a)(2)]

A voting machine cannot be used for instruction once prepared and secured for an election. [A.C.A. § 7-5-509(c)]

**Preparation:**

The county board is responsible for the preparation, programming oversight, testing, and adjustment of voting machines for the election, including preparation and certification of ballot styles. [A.C.A. §§ 7-5-512(a); 7-5-515(a)]

Voting machines must be programmed to reject overvotes. [A.C.A. § 7-5-515(c)(4)]

Voting machines must be programmed to allow a voter to enter the name of qualified write-in candidates on the ballot. [A.C.A. § 7-5-525(b)(1)]

**Testing:**

***Logic and Accuracy:*** As soon as election media is prepared, and at least seven (7) days before early voting begins, the county election commission must test all election media to determine that the voting system has been correctly configured and that the voting system will correctly count the votes cast. [A.C.A. § 7-5-515(c)(1)]

**Public Test:** The county election commission must also conduct a public test. The commission must publish notice of the test in a local newspaper at least forty-eight (48) hours before the test. The test shall be open to representatives of the political parties, candidates, media, and the public.

The test shall consist of pre-auditing a group of test ballots to predetermine the number of valid votes cast for each candidate and each measure, voting the test ballots on the voting machines, confirming rejection of overvotes, and comparing the results for any discrepancies. The test should include at least one (1) overvoted ballot for each contest to determine if the voting machine will reject the votes.

The county board must determine the cause of any errors detected, correct the problem, and produce an errorless count before approving the machine for use in an election.

[A.C.A. § 7-5-515(c)]

Once a voting machine has been properly prepared, tested, and examined by candidates or their designated representative, the county board:

- Certifies the accuracy of the voting system by sending a copy of the electronic results to the Secretary of State and filing the test results with the county clerk;
- Seals, retains, and disposes of the ballots and programs used to test the machines as provided by law;
- Makes the voting machine inaccessible to further voting;
- Places any activation device in a sealed package on which is written the serial number and precinct location of the voting machine and the number registered on the protective counter or device, and retains them until turned over for delivery to poll workers; and
- Certifies the number on the protective counter and that all question counters are set at zero (000) for each machine.

[A.C.A. §§ 7-5-515; 7-5-517]

**Delivery:**

The county board must deliver sufficient voting machines to the poll workers at each polling site and the voting machines must remain inactivated against voting until the polls are formally opened for voting. Posting of “zero tapes” is required to assist in meeting this requirement.

[A.C.A. §§ 7-5-512(c); 7-5-518(a)]

**Electronic Vote Tabulating Devices**

**Preparation:**

The county board of election commissioners must have the electronic tabulating devices used for scanning votes properly programmed and tested before delivery to the election precincts.

[A.C.A. § 7-5-611(a)(1)]

Electronic vote tabulating devices used to count votes at the polling sites must be programmed to reject ballots containing overvotes. [A.C.A. § 7-5-604(a)(5)(B), (6)(B)]

**Testing:**

**Logic and Accuracy:** As soon as election media is prepared, and at least seven (7) days before early voting begins, the county election commission must test all election media from each electronic vote tabulating device to determine that the devices will correctly count the votes cast. [A.C.A. § 7-5-611(a)]

**Public Test:** The county election commission must also conduct a public test. The commission must publish notice of the test in a local newspaper at least forty-eight (48) hours before the test. The test shall be open to representatives of the political parties, candidates, media, and the public.

The public test consists of generating a zero printout tape, preauditing a group of test ballots to predetermine the number of valid votes cast for each candidate and each measure for each precinct, scanning the test ballots on the devices, confirming rejection of overvoted ballots, and comparing the results for any discrepancies.

The public test must include at least one (1) overvoted ballot for each contest to test the devices' ability to reject overvotes.

Upon completion of testing, the county board must clear the devices of any votes cast during testing and certify the accuracy of the voting system by sending a copy of the electronic results to the Secretary of State and filing the test results with the county clerk. [A.C.A. § 7-5-611]

**Delivery:**

The county board must have the electronic vote tabulating devices delivered to all election precincts where a device is to be used. [A.C.A. § 7-5-611(a)(1)]

**SECRETARY OF STATE'S  
CERTIFICATION OF LOGIC AND ACCURACY TESTING RESULTS**

To assist the county board of election commissioners in meeting its statutory certification requirement, the Secretary of State has developed a certification form for the county board's use in certifying the accuracy of its voting machines and for filing the results with Secretary of State and the county clerk as required by law.

This Logic and Accuracy Testing Results form is provided in the Forms & Instructions section in the back of this manual.

## ELECTION MATERIALS

### Delivery

**Designee:**

At least one (1) day before any election, the county board of election commissioners must designate a person or persons to whom the county board will furnish ballots and supplies for delivery to poll workers at each poll. *[A.C.A. § 7-5-211(a)]*

The designee may not be an elected official, an elected official's deputy, or a candidate for office. *[A.C.A. § 7-5-211(a)]*

The county board is responsible for the security of the delivered election materials.  
*[A.C.A. § 7-5-211(b)]*

**Inspection:**

Election materials will vary by county depending upon the type of voting system in use and the type of election being conducted. Election materials should be inspected before opening the polls to ensure that all necessary election materials are available.

### Supplies

Supplies may include:

- Voting booths *[A.C.A. § 7-5-309(a)(1)]*
- Ballots *[A.C.A. §§ 7-5-602; 7-7-305(a)]*
- Ballot boxes *[A.C.A. §§ 7-4-107(a); 7-5-211(a)(2)(A)]*
- Stub boxes *[A.C.A. §§ 7-5-308(a)(3); 7-5-309(b)(3)]*
- Numbered ballot box seals *[A.C.A. § 7-5-211(a)(2)(A)]*
- Election kits
- Magnifiers
- Pencils
- Pens
- Permanent ink pens (paper ballots counted by hand) *[A.C.A. § 7-5-602(c)]*
- Manufacturer marking devices (paper ballots with optical scan device) *[A.C.A. § 7-5-211(a)(2)(H)]*
- Pads
- RTAL paper
- Thermal printer paper
- Scissors

- One hundred foot (100') spool of string (for marking electioneering area)
- Tape (for required postings)
- Abandoned Ballot envelopes
- Provisional Ballot envelopes [A.C.A. §§ 7-5-211(a)(2)(G); 7-5-308(a)(5)]
- Provisional Voter envelopes [A.C.A. §§ 7-5-211(a)(2)(G); 7-5-308(a)(6)]
- Spoiled Ballot envelopes [A.C.A. § 7-5-602(d)]
- Envelopes for equipment keys
- Envelopes to seal voted paper ballots [A.C.A. §§ 7-5-211(a)(2)(E); 7-5-317(a)(4)(A)]
- Envelopes to seal unused paper ballots [A.C.A. §§ 7-5-211(a)(2)(E); 7-5-317(a)(4)(A)]
- Certificate envelopes [A.C.A. § 7-5-211(a)(2)(E)]
- Packages for voting machine activation devices [A.C.A. § 7-5-527(e)(1)]
- Container with numbered seal for enveloped voted/un-voted paper ballots [A.C.A. §§ 7-5-317(a)(4)(A); 7-5-614(1)]
- Election material transport supplies (boxes, envelopes, containers)

### **Forms**

The following forms must be made available to the poll workers at each polling site on election day:

- Precinct Voter Registration List [A.C.A. §§ 7-5-107(a); 7-5-211(a)(2)(C)]
- Voter Registration Application forms [A.C.A. §§ 7-5-211(a)(2)(G); 7-5-305]
- List of Voters\* [A.C.A. § 7-5-211(a)(2)(B)]
- Notice to Provisional Voters\* [A.C.A. § 7-5-308(c), *SBEC Rules on Vote Challenges, Poll Watchers, and Provisional Voting*]
- List of Provisional Voters\* [A.C.A. § 7-5-308(a)(8)]
- List of Persons Assisting Voters\* [A.C.A. § 7-5-310(b)(5)]
- Change in Polling Site Authorization Form\*
- Spoiled Ballot Affidavit\* [A.C.A. §§ 7-5-602(d); 7-5-609]
- Voter Complaint Form\* [A.C.A. § 7-5-510]
- Abandoned Ballot Log\* [A.C.A. §§ 7-5-309; 7-5-522]
- Poll Workers' Certificate\* [A.C.A. § 7-5-526]
- Tally sheets (paper ballots counted by hand at poll) [A.C.A. §§ 7-5-211(a)(2)(D); 7-5-603(1)]
- Certificates of Election Results (paper ballots counted by hand at the poll, precinct electronic vote tabulating devices) [A.C.A. §§ 7-5-211(a)(2)(F); 7-5-603(4); 7-5-613(2)]

### STATE BOARD FORMS

The forms listed above that are marked with an asterisk (\*) were developed by the State Board of Election Commissioners to assist the county boards of election commissioners with ensuring that its poll workers complete all reporting required by law on election day.

The forms are provided in the Forms & Instructions section in the back of this manual.

Additional reference materials that address commonly misunderstood election day procedures are available in the Training Guide and Checklist for Poll Workers and various Quick Guides. The State Board recommends that the Poll Workers keep these Quick Guides handy for reference throughout voting hours.

### **Required Postings**

The following information must be posted in a conspicuous place at each polling site on election day before opening the polls and remain posted continuously until the polls close:

- Public Notice of the Election [A.C.A. § 7-5-202(c)(1)]
- At least two (2) sample ballots marked “SAMPLE” for each ballot style to be used at the poll \*\* [A.C.A. § 7-5-202(c)(2)]
- Clear, written instructions for voting on a voting machine [A.C.A. § 7-5-512(d)]
- Two (2) copies of the full text of all measures on the ballot [A.C.A. §§ 7-5-202(c)(3); 7-9-114(b)]
- Zero printout tape signed by the poll workers from each voting machine and electronic vote tabulating device at the poll [A.C.A. §§ 7-5-202(c)(8); 7-5-518(c)(1); 7-5-611(b)]
- At least two (2) copies of instructions on how to vote, including instructions for fail-safe and provisional voting [A.C.A. § 7-5-202(c)(4)]
- General information on federal and state voting rights\* [A.C.A. § 7-5-202(c)(5)]
- General information on the right of an individual to cast a provisional ballot with instructions on how to contact the appropriate officials if these rights are alleged to have been violated\* [A.C.A. § 7-5-202(c)(5)]
- General information on federal and state laws on prohibitions on acts of fraud and misrepresentation\* [A.C.A. § 7-5-202(c)(6)]
- Notice on Electioneering [A.C.A. §§ 7-1-103(a)(9); 7-1-104(a)(7)]
- VOTE HERE signs [A.C.A. § 7-5-202(c)(7)]
- Americans with Disabilities Act (ADA) signs [A.C.A. § 7-5-311(d)]
- Poll Watcher Rights and Responsibilities [A.C.A. § 7-5-312(f)]
- List of Registered Voters by Precinct [Amendment 51 Section 14]

\*\* For polling sites with more than 15 ballot styles and with sample ballots posted to an internet website. The polling site may provide two organized bound volumes of Sample ballots or one bound volume and one organized electronic device that allows voters access to the Sample ballots. [Act 199 of 2019]



**POSTINGS**

The three (3) posters above that are marked with an asterisk (\*) provide general information on federal and state voting rights, general information on the right of an individual to cast a provisional ballot, and general information on federal and state laws on prohibitions on acts of fraud and misrepresentation and are legally required to be posted at each poll and are provided to the county boards of election commissioners by the Secretary of State's office according to Ark. Code Ann. § 7-5-202(d).

A Poll Watcher Authorization Form is provided by the State Board in the Forms & Instructions section in the back of this manual. The portion of the Form that describes a poll watcher's rights and responsibilities is required by law to be posted at each polling place.

Although not required by law to be posted, the State Board of Election Commissioners strongly urges posting of a Notice on Electioneering at each poll to enforce electioneering laws and maintain order. A sample Notice on Electioneering that describes actions considered as electioneering, prohibitions on electioneering, and the punishment for violation of electioneering laws was developed by the State Board and is provided in the Forms & Instructions section of this manual.

Also provided is an optional posting for attaching to voting machines that warns the voter against casting the ballot if the voter suspects that he or she may have been issued the wrong ballot as well as an optional posting warning voters and poll workers of the consequences of crossover voting.

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## POLL WORKER RESOURCES

### Poll Workers' Training Guide/Checklist

A Poll Workers' Training Guide/Checklist was developed and published by the State Board of Election Commissioners for the dual purpose of use by poll workers when attending training and as a tool for poll workers on election day. The guide/checklist is designed to assist poll workers in identifying and completing all tasks legally required of them on election day and to aid them in properly addressing and documenting various situations that may occur throughout election day.

The Poll Workers' Training Guide/Checklist covers:

- Tasks to be completed before opening the poll, during voting hours, and upon closing the poll;
- Necessary supplies;
- Forms to be completed, along with a description of each form's use, and a sample;
- Legally required postings;
- Processing voters, various voting scenarios that may occur, and the legal procedures for fail-safe voting;
- Poll watchers and their rights and responsibilities;
- Assisting voters;
- Spoiled ballots;
- Abandoned ballots;
- Electioneering;
- Exit polls;
- Conflict resolution;
- Closing the poll; and
- Departing the poll.

### **STATE BOARD'S POLL WORKERS' TRAINING GUIDE/CHECKLIST**

The State Board of Election Commissioners provides each county with the equivalent of six (6) poll workers' training guides per polling site.

The State Board strongly urges the county boards of election commissioners to ensure that at least one (1) poll workers' training guide/checklist is completed throughout election day by the poll workers at each polling site and returned to the county board, along with the other election materials upon closing the poll.

### **Opening the Polls**

For Counties using the DS200 ballot tabulators – To open the DS200 simply unlock and raise the DS200 screen, enter the Election Code when prompted, after the configuration report runs select **Open Polls**. Two zero reports will run automatically. Commissioners should ensure poll workers have the correct Election Code and know to post one signed zero tape to the wall of the poll.

### **Assistance**

All three (3) county election commissioners should be available on election day to assist poll workers with any problems that may be encountered.

## **POTENTIAL ELECTION DAY PROBLEMS**

### **Timely Opening of Poll**

Poll workers must open the polls at precisely 7:30 a.m. and keep the polls open continuously until 7:30 p.m. [A.C.A. § 7-5-304(a)]

### **Voting Machine Malfunction**

If the poll workers at a polling site notify the county board of election commissioners that a voting machine has malfunctioned, the county board must be prepared to immediately deliver to the poll paper ballots, ballot boxes, replacement voting machines, if available, and any other necessary equipment or supplies required by law for voting. [A.C.A. § 7-5-513]

### **STATE BOARD'S VOTER COMPLAINT FORM**

The State Board of Election Commissioners developed a Voter Complaint Form for voters to use to file a complaint about the function of a voting machine.

Poll workers are required under Arkansas law to forward all voter complaint forms to their county boards of election commissioners for investigation. A copy of the complaint must also be submitted to the Elections Division of the Secretary of State's Office.

The State Board's Voter Complaint Form is provided in the Forms & Instructions section in the back of this manual.

### **Electioneering**

#### **Defined:**

Electioneering is defined as: distributing campaign literature or literature regarding a candidate issue or measures on the ballot; displaying a candidate's name, likeness, or logo; displaying a ballot measure's number, title, subject, or logo; displaying or disseminating buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information; disseminating audible

electioneering information, soliciting signatures on a petition or contributions. [A.C.A. §§ 7-1-103(a)(8) as amended by Act 533 of 2019; 7-1-104(a)(7)]

**Prohibitions:**

Electioneering of any kind whatsoever is prohibited in the building or within one hundred feet (100') of the primary exterior entrance used by voters to the building in which voting is taking place. [A.C.A. § 7-1-103(a)(8) as amended by Act 533 of 2019]

**Punishment:**

Violation of electioneering laws is, at the minimum, a Class A misdemeanor offense punishable by fine or confinement. [A.C.A. §§ 7-1-103(b); 7-1-104(b)(1)]

**STATE BOARD'S ELECTIONEERING NOTICE**

The State Board of Election Commissioners' electioneering notice for posting at the primary exterior entrances used by the voters to enter the building containing the polling place and for posting within the building, as deemed necessary, to enforce electioneering laws is provided in the Forms & Instructions section in the back of this manual.

**Ballot Security**

**Prohibition Against Carrying Ballot Outside:**

A person may not carry a ballot outside of the polling place. [A.C.A. §§ 7-1-103(a)(14); 7-5-309(f)]

**Punishment:**

Violation is a Class A misdemeanor offense punishable by fine or confinement. [A.C.A. § 7-1-103(b)(1)]

**Ballot Secrecy**

**Privacy:**

Each voter must be provided privacy by the poll workers at each polling site or by the county clerk, if the county clerk conducts early voting, to mark his or her ballot. [A.C.A. §§ 6-14-110; 7-5-309(a)(2); 7-5-310(a); 7-5-418(e)]

**Equipment Arrangement:**

Voting booths, voting machines, and electronic vote tabulating devices shall be in plain view of the poll workers, but placed so that no person can see or determine how the voter casts his or her vote. [A.C.A. §§ 7-5-310(a); 7-5-521; 7-5-607]

No one other than poll workers and those voting is allowed within six feet (6') of the voting booths or the part of the room where voting machines are situated unless authorized by the election judge or otherwise provided by law. [A.C.A. §§ 7-5-310(a)(4); 7-5-521(c); 7-5-524(a)]

**NOTE:** See Advisory Standards 2015-001 and 2015-002 in the Forms & Instructions section.

**Voter Assistance:**

A voter who informs poll workers at the time that he or she presents himself or herself to vote that he or she is unable to cast the ballot without help must be directed to a voting machine equipped for use by people with disabilities to vote unassisted, or he or she may request assistance with either a paper ballot or the voting machine, depending on the voting system in use for the election, by either two (2) poll workers, or a person named by the voter. A voter requesting assistance shall be assisted without comment or interpretation. Poll workers must make a list of the names and addresses of all persons who assist voters including themselves. [A.C.A. § 7-5-310(b)]

It is illegal for a person who is assisting a voter to misrepresent the content of the ballot, change or mark the ballot except as intended by the voter, or assist in marking and casting a ballot except as provided in Ark. Code Ann. § 7-5-310. [A.C.A. § 7-1-103(a)(15), (a)(20)(c)]

Violation is a Class A misdemeanor offense punishable by fine or confinement. [A.C.A. § 7-1-103(b)]

No person other than a poll worker, the county clerk during early voting, or a deputy county clerk during early voting is allowed to assist more than six (6) voters in marking and casting a ballot at an election. Candidates may only assist up to six (6) individuals who are related within the second degree of consanguinity. [A.C.A. § 7-5-310(b) as amended by Act 965 of 2019]

**STATE BOARD'S LIST OF PERSONS ASSISTING VOTERS**

The law requires poll workers to make and maintain a list of persons assisting voters during voting hours at the polling site.

The State Board of Election Commissioners developed a form to record the name and address of any person assisting a voter, along with the name of the voter assisted.

The State Board's List of Persons Assisting Voters is provided in the Forms & Instructions section in the back of this manual.

**Handling Voted Ballots:**

It is illegal for a person to unfold a ballot or without the consent of the voter to determine or attempt to determine how any vote is cast on a ballot before it is placed in the ballot box. [A.C.A. § 7-1-103(a)(16)]

Violation is a Class A misdemeanor offense punishable by fine or confinement. [A.C.A. § 7-1-103(b)]

## **Crossover Voting**

### **Prohibition:**

It is illegal to vote in one (1) political party's preferential primary election and then vote in a different political party's primary runoff election. It is also illegal for an election official to knowingly permit any person to vote any but his or her legal ballot or to fraudulently allow any person to vote illegally. [A.C.A. §§ 7-1-103(a)(19)(B); 7-1-104(a)(13), (14)]

### **Punishment:**

Violation is a Class A misdemeanor offense punishable by fine or confinement. Violation by an election official of the prohibition against allowing a voter to cast an illegal ballot is a Class D felony punishable by fine and confinement. [A.C.A. §§ 7-1-103(b); 7-1-104(a)]

### **Prevention:**

The county board of election commissioners must ensure that for all preferential primary elections, the poll workers mark the Precinct Voter Registration List with a notation such as "D" for Democratic ballot, "R" for Republican ballot, or "NP" for Nonpartisan ballot. [A.C.A. § 7-7-308(b)]

This information will be noted on the Precinct Voter Registration List for any subsequent runoff election and will be used by the poll workers to prevent crossover voting.

***Best Practice:** The county board should also consider posting signs at preferential and general primary elections warning voters and poll workers of the consequences of crossover voting. A sample form is provided in the Forms & Instructions section in the back of this manual.*

## **Poll Watchers**

### **Defined:**

Poll watchers include any candidate in person, any authorized representative of a candidate, an authorized representative of a group seeking passage or defeat of a measure on the ballot, and an authorized representative of a political party with a candidate on the ballot. [A.C.A. § 7-5-312(a), (e)]

### **Presence:**

Each candidate, group, or party may have at any given time one (1) authorized representative present at each location within a polling site on election day or during early voting where voters identify themselves to election officials to observe and determine the identity of persons presenting themselves to vote for the purpose of challenging voters. [A.C.A. § 7-5-312(b)(1), (e)]

Each candidate, group, or party may have at any given time one (1) authorized representative present at each location within the absentee ballot processing site where absentee ballots are processed to observe and determine the identity of absentee voters for the purpose of challenging any absentee vote. [A.C.A. §§ 7-5-312(b)(2), (e); 7-5-416(a)(4); 7-5-417(a)]

An authorized representative of a candidate or political party may be present at a polling site, central counting location, and absentee ballot counting location to witness the counting of

ballots by election officials to determine whether ballots are fairly and accurately counted. [A.C.A. §§ 7-5-312(c), (e); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

A candidate may not be present in person at the polls on election day as a poll watcher. [A.C.A. § 7-5-312(a), (1), (e)]

A candidate may be present in person as a poll watcher at an absentee ballot processing site to observe and ascertain the identity of absentee voters for the purpose of challenging any absentee vote. [A.C.A. § 7-5-312(a), (1), (e)]

A candidate may be present in person as a poll watcher at all counting sites to witness the counting of ballots by election officials. [A.C.A. §§ 7-5-312(a)(1), (c), (e); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527(b); 7-5-603(5)(B); 7-5-615(a)]

A candidate may be present in person as an observer at early voting. [A.C.A. § 7-5-413(d)]

### **Documentation:**

An authorized representative of any candidate, any group seeking passage or defeat of a ballot measure, and any political party with a candidate on the ballot shall present a copy of an affidavit file-marked by the county clerk in the form of a “Poll Watcher Authorization Form” to an election official immediately upon entering the polling site, absentee ballot processing site, or counting location. [A.C.A. § 7-5-312(d), (e)]

A poll watcher may list multiple sites on one poll watcher authorization form or write the word “all” in lieu of listing each polling site, if the poll watcher intends to be a poll watcher at multiple polling sites in the county.

### **Candidate Identification:**

Candidates in person at an early voting location to observe or attend a counting site or absentee ballot processing site as a poll watcher are not required to present a “Poll Watcher Authorization Form”, but must present some form of identification to an election official immediately upon entering the site. [A.C.A. § 7-5-312(e)]

### **Rights and Responsibilities:**

#### ***A poll watcher may:***

- Observe the poll workers;
- Stand close enough to the place where voters check in to vote so as to hear a voter’s name;
- Compile lists of persons voting;
- Challenge ballots upon notification to a poll worker before the voter signs the precinct voter registration list and upon completing the “Challenged Ballot Form” portion of a “Provisional Voter Envelope”;
- Call any perceived election law irregularity or violation to the attention of an election sheriff;
- Discuss the occurrence if the election sheriff invites the discussion;



- Be present at the opening, processing, and canvassing of absentee ballots to challenge absentee votes in the manner provided by law for personal voting challenges; and
- Challenge a voter only on the grounds that the voter is not eligible to vote in the precinct or that the voter has previously voted at that election.  
[A.C.A. § 7-5-312(e)]

***Poll watchers representing a candidate or political party may:***

- Remain at the polling site after the poll closes if ballots are counted at the poll;
- Be present at the counting of votes by hand or by an electronic vote tabulating device at a central location;
- Be present at the counting of absentee ballots to witness the counting of ballots by election officials and to determine whether ballots are fairly and accurately counted; and
- Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted.  
[A.C.A. § 7-5-312(e)]

***Poll watchers may not:***

- Be within six feet (6') of any voting machine or booth used by a voter to cast his or her ballot;
- Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site; or
- Disrupt the orderly conduct of the election.
- Be a member of the State or County Board of Election Commissioners.  
[A.C.A. § 7-5-312(e)]

**STATE BOARD'S POLL WATCHER AUTHORIZATION FORM**

The State Board of Election Commissioners has developed a form that designates and authorizes the presence of a representative of a candidate, a representative of a group seeking the passage or defeat of a measure on the ballot, and a representative of a political party with a candidate on the ballot and outlines poll watcher rights and responsibilities.

The State Board's Poll Watcher Authorization Form was designed in the exact format required by Ark. Code Ann. § 7-5-312 and is provided in the Forms & Instructions section in the back of this manual.

**Election Monitors**

**Appointment:**

Election monitors serve as observers and report to the State Board on the conduct of the election. Election monitors must be certified by the State Board and are appointed only upon a signed, written request under oath filed with the State Board and a determination by the State Board that appointing a monitor is necessary.

**Duties:**

Certified election monitors must maintain strict impartiality in the conduct of their duties, carry documentation prescribed by the State Board, base all observations on well documented, factual, and verifiable evidence, and prepare a post-election report for submission to the State Board. Certified election monitors should not interfere with the election process, display or wear any partisan symbols, colors, or banners, or make any comments about observations to the media or any other interested persons. Any remarks made by the monitor should be limited to general information about the nature of the activity as an observer.

**STATE BOARD'S RULES REGARDING  
APPOINTMENT OF CERTIFIED ELECTION MONITORS**

The State Board of Election Commissioners has promulgated rules on the appointment of certified election monitors under the Administrative Procedures Act.

These rules address requests for election monitors as well as the certification, appointment, qualifications, duties, and compensation of election monitors.

The State Board's Rules for Appointment of Certified Election Monitors are available at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec).

**Provisional Voting**

When there is a question concerning a voter's eligibility, or if a voter fails to verify their voter registration, or as part of fail-safe voting requirements, a provisional ballot is cast by special procedures. If cast as provisional for a reason other than failing to provide identification, the ballot is counted by the county board of election commissioners if it is cast by a voter who is lawfully registered in the county and is cast on the correct ballot, according to the precinct listed on the voter's eligibility affirmation, for the precinct of the voter's residence. Ballots cast for failure to verify voter registration will be counted if it is accompanied by a Verification of Identity Affirmation signed by the voter, or if the voter returns to the county board of election commissioners or the county clerk by 12:00 noon on the Monday following the election and submits a valid photo ID and there is no other basis to preclude the voter from voting. [A.C.A. §§ 7-1-101; 7-5-308(d) and the Rules on Poll Watchers, Vote Challenges, and Provisional Voting]

When a voter is required by law to cast a provisional ballot, a poll worker must provide the voter with a copy of a notice that 1) explains the provisional voting process, 2) informs the voter that she/he will be notified by first class mail whether the ballot was counted, 3) provides the date for a hearing for the voter if the county board of election commission rejects the provisional ballot. 4) contains the address, telephone number, and regular office hours of the county clerk, and 5) explains how a voter who did not sign the Verification of Identity Affirmation can return to the county official to verify their registration before Monday at noon following the election. [A.C.A. § 7-5-308(a)(7), (c); Rules on Poll Watchers, Vote Challenges, and Provisional Voting §906]

Voters must sign the provisional ballot log and the poll workers must record the names, addresses, and reason for voting provisional of the voters casting a provisional ballot at the poll. [A.C.A. § 7-5-308(a)(8)]

**Prohibition:**

It is unlawful for any person to interfere or prevent or attempt to interfere or prevent any qualified elector from voting at any election, except good faith challenges of ballots or voters in the manner provided by law. [A.C.A. § 7-1-104(a)(6)]

**Punishment:**

Violation is a Class D felony offense punishable by fine or confinement. [A.C.A. § 7-1-104(b)(1)]

**STATE BOARD'S RULES REGARDING PROVISIONAL VOTING AND  
LIST OF PROVISIONAL VOTERS**

The State Board of Election Commissioners has promulgated rules on poll watchers, vote challenges, and provisional voting under the Administrative Procedure Act.

The rules address voters with questionable eligibility, poll watcher challenges, court-ordered voting extensions, procedures for voting provisionally, preliminary review of provisional ballots, notice to provisional voters, hearings, counting provisional ballots, and certifying official results.

The State Board's Rules on Poll Watchers, Vote Challenges, and Provisional Voting are available at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec). Provided as Attachment "A" to the rules is a sample Provisional Voter Envelope containing on one side a Challenged Ballot Form, a voter eligibility affirmation and an Optional Verification of Identity Affirmation. The other side contains a certification section to be completed by the county clerk and a disposition section for completion by the county board of election commissioners.

The State Board's List of Provisional Voters for recording the names, addresses, type of provisional ballot cast and the voters signature, as required by law, is also provided in the Forms & Instructions section in this manual along with the Notice to Provisional Voters which contains written information that is required to be provided to provisional voters.

**Spoiled Ballots****Procedure:**

If a voter accidentally or mistakenly marks or spoils a paper ballot so that he or she cannot clearly vote the ballot, the voter may return the paper ballot to a poll worker and receive another ballot, not to exceed three (3) ballots in total. [A.C.A. § 7-5-602(d)(1)]

A poll worker must cancel the paper ballot by writing "CANCELLED" on the face of the ballot and initialing the ballot. [A.C.A. § 7-5-602(d)(2)]

The poll workers must preserve spoiled ballots separately from other ballots for return to the county board of election commissioners. [A.C.A. § 7-5-602(d)(3)]

### STATE BOARD'S SPOILED BALLOT AFFIDAVIT

The State Board of Election Commissioners developed a form explaining the legal procedure for handling a spoiled ballot and for recording the ballot style number of each spoiled ballot, along with the signature of the voter spoiling the ballot.

The State Board's Spoiled Ballot Affidavit is provided in the Forms & Instructions section in the back of this manual.

### Abandoned Ballots

#### **Not Counted:**

If a paper ballot is left in the polling site outside of the ballot box after the voter has departed, a poll worker shall write "Abandoned" on the ballot and place it into an "Abandoned Ballot" envelope with a notation on the outside of the envelope of the circumstances surrounding the abandoned ballot and preserve the ballot separately. The ballot shall not be counted. [A.C.A. § 7-5-309(g)]

#### **Counted:**

If an electronic vote tabulating device has rejected a ballot that remains in the receiving part of the device, and the voter has departed the polling site without instructing a poll worker to cancel or replace the ballot, then two poll workers shall override warnings and complete the process of casting the ballot. The poll worker shall document the time they completed the process of casting the ballot, the name of the voter, the names of the poll workers completing the process, and all other circumstances surrounding the abandoned ballot. [A.C.A. § 7-5-309(h)]

If a voter fails to complete the process of casting an electronic ballot on a voting machine and departs the polling site without notifying a poll worker of his or her desire to cancel the ballot prior to departing, two poll workers shall take action to complete the process of casting the ballot. The poll workers must document the time, the name of the voter, if known, the names of the poll workers completing the process of casting the ballot, and all other circumstances surrounding the abandoned ballot. [A.C.A. § 7-5-522(d)]

### STATE BOARD'S ABANDONED BALLOT LOG

The State Board of Election Commissioners has developed a log to be used by poll workers to document all circumstances surrounding an abandoned ballot as required by Ark. Code Ann. §§ 7-5-309 and 7-5-522.

The State Board's Abandoned Ballot Log is provided in the Forms & Instructions section in the back of this manual.

### Disorderly Conduct

#### **Departure:**

After voting or declining to vote, the voter must immediately depart from the polling site. [A.C.A. §§ 7-5-309(e); 7-5-522(b)]

Any voter who leaves a voting machine shall not be permitted to return to the machine except to complete the voting process. *[A.C.A. § 7-5-522(c)]*

**Interference:**

It is illegal for any person to interfere in any manner with the officials lawfully conducting the election or the canvass. *[A.C.A. § 7-1-103(a)(20)(G)]*

It is illegal for any person to interfere in any manner with the voters lawfully exercising their right to vote at the election. *[A.C.A. § 7-1-103(a)(20)(G)]*

**Citizen's Right to Observe and Record Public Events**

A public official or employee (including election officials) may not prohibit a person from recording events in a place that is open to and accessible to the general public.

The act of recording or the location of the recording person cannot unreasonably obstruct or inhibit another person's lawful presence or movement. *[A.C.A. § 21-1-106]*

**People Allowed in Polls During Voting Hours:**

Only the following people are allowed in the polls during voting hours:

- Election Officials
- Poll Watchers
- Voters
- Persons who are not eligible to vote in the care of voters
- Persons who are lawfully assisting a voter
- Law enforcement and other emergency personnel
- Monitors authorized by State Board of Election Commissioners or federal agency
- Persons with business in the building (go directly to and from business)
- Persons assisting the County Board of Election Commissioners
- Persons authorized by State or County Board of Election Commissioners

*[A.C.A. § 7-5-310(3)]*

**Assistance:**

Poll workers should be instructed to immediately contact their local election authorities regarding emergencies or to report persons disrupting the election process.

**STATE BOARD'S POLL WORKERS' TRAINING GUIDE**

The State Board of Election Commissioners' Poll Workers' Training Guide provides an introduction page for recording contact information for poll workers to use on election day to reach their county clerk's office, each member of their county board of election commissioners, their county election coordinator, and local law enforcement should any emergency arise at the poll.

The State Board's Poll Workers' Checklist also provides a section for the poll workers to document any events of the day that were out of the ordinary.

## **Timely Closing of Poll**

### **Persons in Line:**

When the polls close at 7:30 p.m., any person who is already in line at the polling site to vote shall be permitted to cast his or her ballot. [A.C.A. §§ 7-5-304; 7-5-524(b)]

### **Court Ordered Voting Extension:**

If the time established for closing the polls is extended as a result of a federal or state court order or any other order, any person who votes during the extension may vote only by casting a provisional ballot. [A.C.A. § 7-5-304(c)(1)]

These provisional ballots must be separated and held apart from other provisional ballots cast by those not affected by the order. [A.C.A. § 7-5-304(c)(2)]

## **STATE BOARD'S POLL WORKERS' TRAINING GUIDE**

The State Board of Election Commissioners' Poll Workers' Training Guide covers in detail the duties and responsibilities of poll workers during voting hours, including paperwork legally required to be completed, processing voters, and legal procedures for handling various voter eligibility issues and voting scenarios.

## **CLOSING THE POLLS**

### **Closing the Polls**

For Counties using the DS200 ballot tabulators – To close the DS200 record the Public Count number from the Totals Page. Open the small door in front of the screen and push the Close Polls button, then touch the Close Polls button on the screen. Three results tapes will automatically print. When they have finished printing tap the Finished Turn Off button.

### **Open to Public**

After the polls have closed, any counting of votes at the polls shall be open to the public, including any poll watchers meeting the requirements of Ark. Code Ann. § 7-5-312. [A.C.A. §§ 7-5-316(a); 7-5-527(b); 7-5-603(5)]

### **List of Voters Form**

Poll workers are legally required to record each voter's name before he or she votes, make and maintain the list during voting hours at the poll, total the number of voters on the list, and certify and attest the list upon closing the poll. [A.C.A. § 7-5-211(a)(2)(B)]

### **STATE BOARD'S LIST OF VOTERS FORM**

The State Board of Election Commissioners developed a form for poll workers to use to record the name of every person who voted a non-provisional ballot at the poll.

The State Board's List of Voters form is provided in the Forms & Instructions section in this manual.

### **Voting Machines**

#### **Securing at Poll:**

At the official time for closing the polls and upon termination of voting, the poll workers shall announce the polls closing and secure the voting machines against further voting by removing the activation devices. [A.C.A. § 7-5-526(a)]

The poll workers must sign a certificate provided by the county board of election commissioners attesting to the exact time that the machines were made inaccessible to further voting and to the number of votes shown on the public counters. [A.C.A. § 7-5-526(b)]

### **STATE BOARD'S POLL WORKERS' CERTIFICATE**

The State Board of Election Commissioners developed a certificate for the county board of election commissioners to provide to its poll workers to certify as required by law that voting machines were made inaccessible to further voting after the polls closed.

The State Board's Poll Workers' Certificate is provided in the Forms & Instructions section in this manual.

#### **Exposing Vote Count:**

The poll workers then expose the vote counts, produce and sign at least three (3) result records from each voting machine, and post one (1) copy of each on the wall of the polling room. [A.C.A. § 7-5-527]

#### **Delivery of Activation Devices:**

The activation device used to collect votes from each voting machine and certified result records must be placed in a sealed package signed by all poll workers at the poll. A poll worker must immediately deliver the sealed package to the county board and obtain a receipt for the sealed package. [A.C.A. § 7-5-527(e)]

### **Electronic Vote Tabulating Devices**

#### **Return of Votes:**

When an electronic vote tabulating device is used by the voters at the poll, the poll workers must count write-in votes and prepare a return of the votes as soon as the polls close. [A.C.A. § 7-5-613]

## **Paper Ballots**

### **Counted by Hand at Poll:**

When counting paper ballots by hand at the poll, poll workers must count to completion by opening the ballot box and counting each ballot in turn or by counting by offices and issues. [A.C.A. § 7-5-603]

The poll workers must witness the counting of the ballots and keep separate tally lists of the votes for each candidate or issue on the ballot. [A.C.A. § 7-5-603(1)]

### **Counted by Hand or Machine at Poll:**

After the count is completed, the poll workers must make out certificates of election in triplicate and immediately post one (1) copy outside the polling site. [A.C.A. § 7-5-603(4)]

### **Scanned at Central Counting Location:**

When paper ballots are to be tabulated using electronic vote tabulating devices at a central counting location, the poll workers must place all ballots that were cast at the poll in a sealed container and deliver it, along with unused, void, and defective ballots and all other election materials, to the county board of election commissioners. [A.C.A. § 7-5-614]

## **Departing the Poll**

### **Processing and Delivering Election Materials and Returns:**

Regardless of the type of election or voting system used, poll workers must process and deliver all ballots, election materials, and returns to the county board of election commissioners immediately after the polls close. [A.C.A. § 7-5-317]

For all precinct count polling locations, results must be posted at location before returning materials to the county board of election commissioners.

When an annual school election is held with a preferential primary or general election, election officials are required to file certified election returns with the county clerk of the county in which a school district is domiciled if the school district is domiciled in another county.

The List of Voters forms, precinct voter registration lists, voter registration application forms, and other recordkeeping supplies are delivered to the county clerk along with one copy of the certification of election results and one copy of the tally sheets, if any. [A.C.A. § 7-5-317(a)]

Sealed stub boxes are delivered to the county board of election commissioners for storage in a secure location in the county courthouse or other county storage facility. [A.C.A. § 7-5-317(a)(5)]

Voted ballots that have been secured in a container with a numbered seal, unused, provisional or cancelled ballots that have been preserved separately, one (1) copy of the certificate of election results, one (1) copy of the tally sheets, if any, reports of challenges of voters, if any, and all other election materials and returns are delivered to the county board. [A.C.A. § 7-5-317]



**Failure to Deliver Returns:**

If poll workers fail to deliver returns as required by law immediately after the polls close, the county board must dispatch a peace officer to obtain the election returns. [A.C.A. 7-5-318(b)]

The county board of any county that is required to file certified school election returns with the county clerk of a county in which that school district is domiciled must ensure that these returns reach the neighboring county clerk. If, for any reason, the additional certified election returns are not produced and filed with the neighboring county clerk, the county board must produce a copy of all results from all precinct's which included that school district's races, certify its veracity of those results, and file that copy with the appropriate county clerk within 48 hours of the election

**STATE BOARD'S POLL WORKERS' TRAINING GUIDE**

The State Board of Elections Commissioners' Poll Workers' Training Guide covers in detail the duties and responsibilities of poll workers in closing and departing the poll, including legally required paperwork and security procedures.

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## CANVASSING, COUNTING & UNOFFICIAL RESULTS

### **Open to Public**

The counting of votes is open to the public. [A.C.A. §§ 7-5-312(c); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

Candidates in person or an authorized representative of a candidate or political party may be present at all counting locations to witness the counting of ballots to determine whether ballots are fairly and accurately counted. [A.C.A. §§ 7-5-312(c); 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-527; 7-5-603(5)(B); 7-5-615(a)]

### **Central Counting Location**

#### **Proceedings:**

All proceedings at a central counting location are under the direction of the county board of election commissioners. [A.C.A. § 7-5-614(2)]

No person shall interfere with the officials lawfully conducting the election or the canvass. [A.C.A. § 7-1-103(a)(20)(g)]

No person except those employed and authorized for that purpose may touch any ballot or return. [A.C.A. § 7-5-615(b)]

#### **Oath of Election Officials:**

Election officials at the central counting location and all persons operating an electronic vote tabulating device must take the election officials' oath of office before beginning their duties. [A.C.A. § 7-5-615(c)]

#### **Defective Ballots:**

If a paper ballot cannot properly be counted by an electronic vote tabulating device due to damage or defect, the election officials must make a true duplicate ballot clearly labeled "duplicate" to be counted in the place of the defective ballot. [A.C.A. § 7-5-615(d)]

#### **Countywide Total Comparison:**

Before certifying the official election results, the county board must compile electronic countywide totals from the activation device used to collect votes from each voting machine and verify that they match manually compiled countywide totals from the polling locations' certified return records. [A.C.A. § 7-5-529]

#### **Audit Log:**

The county board shall produce an audit log for each voting machine used in the election. [A.C.A. § 7-5-530(a)]

### **Processing Absentee Ballots**

Processing, counting, and canvassing of absentee ballots is conducted under the supervision and direction of the county board of election commissioners in a place designated by the county board. [A.C.A. §§ 7-5-414(c); 7-5-416(a)(1)]

The county clerk must deliver absentee ballots and related materials to the absentee ballot clerks at a time and place specified by the county board of election commissioners, up to seven (7) days before election day. The county clerk must also make a report accounting for absentee ballots sent, received and rejected, and deliver that report to the county board of election commissioners. [A.C.A. § 7-5-416 (a)(1)]

The processing and counting of absentee and early votes is open to the public, and any candidate or qualified poll watcher may be present during the opening, processing, canvassing, and counting to challenge ballots and to observe the canvass of the results of the election for the purpose of determining whether or not votes are fairly and accurately counted. [A.C.A. §§ 7-5-312; 7-5-316(a); 7-5-413(d); 7-5-416(a)(4); 7-5-417(a); 7-5-527(a); 7-5-615(a)]

Absentee and early voting ballots must be opened, processed and counted *before* the polls close on election day. Election officials may begin processing the outer envelopes on the Tuesday before the election if approved. Opening of the inner ballot secrecy envelopes cannot happen until election day and results may not be released until the polls close. Absentee and early voting results should be uploaded to the Secretary of State's election night reporting system as soon as possible after the polls close. [A.C.A. §§ 7-5-416(a)(5) (d); 7-1-103(a)(22)]

Absentee ballots mailed in bulk by a hospital or an administrator of a long-term care or residential care facility licensed by the state must be counted if accompanied by proper paperwork and timely delivered. Absentee ballots mailed in bulk by anyone other than a hospital or an administrator of a long-term care or residential care facility licensed by the state cannot be counted. [A.C.A. § 7-5-411(a)(1)(C)]

The ballot of an absentee voter who dies before the polls open on election day can be counted if the ballot is signed, dated, postmarked and mailed *before* the date of death, or, in the case of a military voter, executed before the date of death. [A.C.A. § 7-5-416(c)]

Non-military absentee voters must include in the return envelope a copy of a current photo identification; flagged voters may include a copy of a 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. If an absentee voter does not submit this information with his or her ballot the ballot is considered as a provisional ballot. [A.C.A. §§ 7-5-412; 7-5-416(b)(1)(F)(iii)]

#### **Steps in Opening and Processing Absentee Ballots (*can be done before Election Day*):**

The initial steps in opening and processing absentee ballots include:

1. One by one an election official (Clerk 1), while observed by another election official, opens the return (outer) envelope and verifies that the voter statement, identification and the ballot (inner) envelope have been properly placed in the return envelope.

2. If the voter statement and ID are in the return envelope separate from the inner “Ballot Only” envelope:
  - Clerk 1 reads aloud the voter’s name and precinct from the voter statement.
  - Clerk 2 lists the name and precinct of the voter.
  - The election officials compare the name, address, dates of birth and signature on the absentee ballot application against the same information on the voter statement.
  - The election officials compare the information on the ID against the information on the voter statement.
  - The election officials compare the name and address of the bearer, agent or administrator written on the absentee ballot return envelope with the information on the voter statement.
  - If everything is in order, place the unopened inner “Ballot Only” envelope into the absentee ballot box.
  - Repeat the process for each absentee voter whose materials are in order.

[A.C.A. §7-5-416(b)]

**Processing Ballots with Discrepancies** (*can only be done on Election Day*):

***Voter Statement in Inner Envelope:*** If the voter statement and/or ID are **NOT** in the return envelope separate from the inner “Ballot Only” envelope:

1. Clerk 1 removes the inner “Ballot Only” envelope from the outer return envelope and hands it to Clerk 2.
  2. Clerk 2 inspects the inner “Ballot Only” envelope while being observed by Clerk 1 and removes the voter statement and identification documents, if found there, from the inner “Ballot Only” envelope and hands them to Clerk 1.
  3. Clerk 2 returns the inner “Ballot Only” envelope and any found voter statement and identification documents to Clerk 1 and Clerk 1 places the inner “Ballot Only” envelope back into the outer return envelope.
  4. Clerk 1 reads aloud from the voter statement, and regular processing procedures (see above) are followed.
- [A.C.A. §§ 7-5-416(b)(1)(C); 7-5-416(b)(1)(D)]

***No Voter Statement; No Photo ID; Information on Voter Statement Does Not Compare to Application*** (*can only be done on Election Day*):

- If a voter statement is not found, the ballot cannot be counted.
  - If the election commission finds that the name, date of birth, address or signature on the voter statement do not compare to the corresponding information on the absentee ballot application, the ballot cannot be counted. This determination should not be made by an absentee ballot clerk, but by the election commission.
  - If the return envelope does not contain the required photo identification document (and the voter is not exempt from the ID requirement) the ballot must be considered as a provisional ballot.
- [A.C.A. §§ 7-5-416(b)(1)(H), 7-5-416(b)(1)(F)(ii) and 7-5-412]

***Bearers, Agents, Administrators:***

- If the county clerk indicates on the envelope that the ballot was returned by a bearer, agent or administrator, absentee ballot election officials must check the voter statement for the bearer/agent/administrator name, address and signature.
- If the voter has not authorized a bearer/agent/administrator on the voter statement, the election officials DO NOT count the ballot; they should repack the material, note the reason the ballot was not counted and set it aside.
- If the return envelope indicates that the ballot was returned by a bearer/agent administrator, but the information written by the county clerk on the envelope does not match the bearer/agent/administrator information written on the voter statement, the ballot should be treated as a provisional ballot.

[A.C.A. §§ 7-5-416(b)(1)(J); 7-5-416(b)(1)(G)]

**Provisional Absentee Ballots:**

Provisional absentee ballots include absentee ballots challenged by a poll watcher, voters who did not provide the required ID with their absentee ballot, and absentee ballots delivered by a bearer/agent/administrator for which the name and address of the bearer/agent/administrator written by the county clerk on the return envelope does not match the information contained in the voter statement. [A.C.A. §§ 7-5-417; 7-5-416(b)(1)(f)(iii); 7-5-416(b)(1)(G)]

Provisional absentee ballots become provisional during opening and processing. These ballots can only be processed on Election Day. For an absentee ballot which becomes a provisional ballot, the absentee ballot canvassing official shall place the absentee ballot materials in a provisional voter envelope and should check the “Other” box and write the word “Absentee” next to the box marked “Other” on the form provided on the provisional ballot envelope (\*Attachment “A”). The absentee ballot canvassing official should also indicate the reason for making the absentee ballot provisional on the form provided on the provisional ballot envelope (\*Attachment “A”). When the absentee voter’s voter statement is inconsistent with the absentee ballot return envelope with regard to the identity of a bearer or agent the absentee ballot canvassing official should write “Inconsistent Bearer [or Agent]” after the word “Absentee” next to the “Other” box on the provisional ballot envelope. Remember, when the absentee voter’s voter statement is inconsistent with the absentee ballot application the voter’s ballot is not counted. (\*See the State Board’s Rules on Poll Watchers, Vote Challenges, and Provisional Voting)

Poll Watcher challenges must be made at the time the voter’s name and voting precinct are read aloud by the election official. [A.C.A. § 7-5-417]

**Counting Votes**

**Ballots Provided by County Board:**

A paper ballot, other than a Federal Write-In Absentee Ballot (FWAB), cannot be counted in any election unless it is provided by the county board of election commissioners. [A.C.A. § 7-5-602(b)]

**Fraudulent Ballots:**

When counting paper ballots at the polling site, if two (2) or more paper ballots are folded together, they should be considered fraudulent and cannot be counted. [A.C.A. § 7-5-603(2)(A)]

**Candidate Withdrawal or Death After Certification:**

Votes for any candidate on the ballot who withdrew or died after the certification of the ballot are to be counted. [A.C.A. § 7-5-315]

**Unopposed Candidates – General Election**

In the general election, votes for unopposed candidates for mayor, city clerk, circuit clerk and Governor are tabulated and certified as in all contested races.

Except for the races listed above, votes for unopposed candidates may be tabulated. The word “UNOPPOSED” shall be inserted on the tally sheet to indicate that the candidate(s) received a majority of the votes cast in the election. [A.C.A. § 7-5-315(a); Act 1013 of 2019]

Non-Judicial State Elected Officials are candidates for: U.S. House, U.S. Senate, Constitutional Offices, State House and State Senate

For additional information, refer to **Unopposed Candidates** in the **BALLOTS** section of this manual on page 51. [A.C.A. §§ 7-5-207(a)(2)(B), (a)(3)(B); 7-5-315(a); 14-42-206(c)(2)]

**Overvoted Ballots:**

If a paper ballot contains marks for more than the maximum allowable number of candidates in any one (1) contest or contains marks both “FOR” and “AGAINST” a single measure, the contest should be considered overvoted, and the voter’s intent must be determined for the overvoted contest. [A.C.A. § 7-5-603(2)(B)]

**STATE BOARD RULES FOR VOTER INTENT**

The State Board of Election Commissioners has promulgated rules under the Administrative Procedures Act for determining whether a paper ballot has been properly marked and whether a vote should be counted for any contest in question.

The State Board of Election Commissioners’ Rules for Voter Intent are available at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec).

**Write-in Votes:**

Write-in votes are not counted in primary elections. [A.C.A. § 7-5-525(c)]

Write-in votes cast for municipal officials and President/Vice President are not counted. [A.C.A. §§ 14-43-202, 7-5-205 (limiting write-ins to U.S. Senate, U.S. House, state offices, district offices, county offices and township offices)]

Votes for write-in candidates in general elections are not counted unless the write-in candidate provides written notice at least ninety (90) days before the general election to the county board of each county in which the candidate seeks election and properly files with either the Secretary of State or the county clerk, as the case may be, according to Ark. Code Ann. § 7-5-205 or Ark. Code Ann. § 7-10-103.

A write-in vote must be cast in the appropriate place on the ballot and be the same name listed on the write-in candidate’s political practices pledge or the vote for that candidate must not

be counted. However, abbreviations, misspellings, and minor variations in the form of the write-in candidate's name shall be disregarded if the intention of the voter can be determined. [A.C.A. §§ 7-5-205(4); 7-5-525(b)(2)]

**Amendments and Measures:**

The votes on each measure on the ballot shall be counted, tabulated, and returned at the same time and manner as the votes for candidates. [A.C.A. § 7-9-119(a)]

If a petition for any amendment or measure is declared insufficient by the Secretary of State or a court of competent jurisdiction, or determined to be invalid for any other reason after having been certified by the Secretary of State to the county board and placed on the ballot, the votes on the amendment or measure are not counted or certified. [A.C.A. § 7-5-204(c)(2)]

**Early Votes:**

Election officials canvass the voting machine vote for early voting in the same manner provided for regular polling sites and return the results of the canvass to the county board to be tabulated and canvassed in the same manner as the other election precinct returns. [A.C.A. § 7-5-413(c)]

**Special Runoff Absentee Ballots:**

“Special runoff ballots” cast for the primary runoff election that are returned with the absentee voter's primary ballot are only counted in the primary runoff election. [A.C.A. § 7-5-416(f)(4)]

“Special runoff ballots” cast for the general runoff election that are returned with the absentee voter's general election ballot are only counted in the general runoff election. [A.C.A. § 7-5-416(f)(4)]

The Secretary of State provides the county board with instructions for opening, counting, and canvassing absentee “special runoff ballots.” [A.C.A. § 7-5-416(f)(5)]



## **Preliminary and Unofficial Results**

### **Reporting:**

As results are received and tabulated on election night for all state and federal elections, the county board of election commissioners shall declare preliminary and unofficial results of the election as soon as early voting, absentee, or individual precinct results are tabulated on election night and immediately shall transmit the results by precinct to the Secretary of State through the election night reporting interface. Precinct results must be reported to the Secretary of State as soon as possible and cannot be held for later aggregation. [A.C.A. § 7-5-701(a)(2)(A)]

The county board of election commissioners must report the results of both absentee and early voting by precinct to the Secretary of State as soon as practical after the polls close. [A.C.A. § 7-5-416(a)(5), (d)]

The county board of election commissioners may, by agreement with the county clerk, transmit the results to the county clerk who immediately shall transmit the results by precinct to the Secretary of State. [A.C.A. §§ 7-5-701(a)(2)(B); 7-5-707(a); 7-9-119]

The report shall include the number of outstanding ballots of voters who requested ballots under the Uniformed and Overseas Citizens Absentee Voting Act and the number of provisional ballots. [A.C.A. § 7-5-701(a)(2)(C)(i)(a)(b)]

## **RECOUNTS**

### **Initiating a Recount**

#### **Request by Candidate:**

Any candidate who is dissatisfied with the returns of the election may submit to the county board of election commissioners a petition requesting a recount of the returns from any precinct. [A.C.A. § 7-5-319(a)(1)]

#### **Deadline for Request by Candidate:**

If the number of outstanding overseas absentee ballots cannot change the results of the election, the candidate must present the petition no later than two (2) days after the county board declares preliminary and unofficial results of the election. [A.C.A. § 7-5-319(a)(2)]

If the number of outstanding overseas absentee ballots could potentially change the results of the election, the candidate must present the recount petition to the county board before the final canvassing and certification of the results of the election. [A.C.A. § 7-5-319(a)(3)]

**Election Commission Decision:**

The election commission may decide to conduct a recount on its own motion, without a request from a candidate. For example, when an advocate for or against a measure requests a recount, the board may, at its discretion conduct the recount. In this instance, the county would bear the cost of the recount because the law requires only candidates for office to pay the cost of recounts. [A.C.A. § 7-5-319(b)]

**Procedure**

**Equipment Test Results:**

Upon receipt of the recount petition, the county board of election commissioners shall provide the candidate with a copy of the test results from the voting machines and electronic vote tabulating devices. [A.C.A. § 7-5-319(b)]

**Candidate Notification:**

The county board must notify all candidates whose election could be affected by the recount within forty-eight (48) hours of receipt of the petition for recount. [A.C.A. § 7-5-319(i)]

**Official Voting Machine Ballot:**

If votes were cast on a voting machine with a voter-verified paper audit trail (VVPAT), the VVPAT shall serve as the official ballot to be recounted. [A.C.A. § 7-5-319(c)(1)]

If the VVPAT cannot be used for the recount due to damage, the paper record produced by the machine for manual audit shall be the official ballot to be recounted. [A.C.A. § 7-5-319(c)(3)]

The county board may manually sum vote totals on the VVPAT for each candidate involved in the recount or count by hand each vote for each candidate involved in the recount using the VVPAT. [A.C.A. § 7-5-319(c)(2)]

If the voting machine is exempt from the VVPAT requirement, the paper record produced by the machine for manual audit shall be the official ballot to be recounted. [A.C.A. § 7-5-319(c)(4)]

**Paper Ballots:**

Votes cast on paper ballots must be recounted in the same manner as the initial count. [A.C.A. § 7-5-319(d)]

If the county board determines that an electronic vote tabulating device may be malfunctioning, the ballots may be recounted in any manner prescribed by law. [A.C.A. § 7-5-319(d)]

**Limitation**

**Candidate Petitioned:**

Only one (1) recount per candidate per election is permitted. [A.C.A. § 7-5-319(b)]

**Certification of Results**

The county board of election commissioners shall certify the results of the last recount.

[A.C.A. § 7-5-319(b), (e)]

**Ballot Preservation**

After the recount is certified, ballots must again be sealed and kept as provided by law.

[A.C.A. § 7-5-319(f)]

**Cost****Determination:**

The county board of election commissioners shall determine the actual costs incurred to conduct a recount and charge the candidate petitioning the recount up to a maximum rate of twenty-five cents (25¢) per vote cast in the precincts where the recount is requested or a total of two thousand five hundred dollars (\$2,500) for the entire county, whichever is less.

[A.C.A. § 7-5-319(h)]

**Payment:**

The county board must collect payment for the recount from the candidate petitioning the recount before conducting the recount. There is no provision in election code for payment of the cost of any recount conducted on the election commission's own motion.

[A.C.A. § 7-5-319(g)(1)]

**Refund of Payment:**

If the recount changes the outcome of the election, the cost shall be refunded to the candidate.

[A.C.A. § 7-5-319(g)(2)]

**ELECTION TO OFFICE****General Election****United States Congress:**

A candidate for United States Senate or United States House of Representative who receives the greatest number of legal votes cast for the office at the general election held in November shall be declared elected. [A.C.A. § 7-5-703(b)]

If any two (2) candidates receiving the highest number of votes also receive an equal number of votes, a tie shall exist, and a special runoff election must be held four (4) weeks from the day of the general election with the names of those two (2) candidates placed on a special runoff election ballot to be voted upon by the qualified electors of the congressional district.

[A.C.A. § 7-5-703(c)]

**Constitutional Office:**

A candidate for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, or Commissioner of State Lands who receives the greatest number of legal votes cast for the office at the general election held in November shall be declared elected. [A.C.A. §§ 7-5-704; 7-5-705]

If any two (2) candidates for Commissioner of State Lands receive the highest number of votes and an equal number of votes, a tie shall exist, and a special runoff election must be held four (4) weeks from the day of the general election with the names of those two (2) candidates placed on a special runoff election ballot to be voted upon by the qualified electors of the state. [A.C.A. § 7-5-704]

For all other constitutional officers, if two (2) or more candidates receive an equal number of votes and the highest number of votes for the same office, a tie shall exist, and one (1) of them shall be chosen by a joint vote of both houses of the General Assembly by a majority vote. [A.C.A. § 7-5-705(b); Arkansas Constitution, Article 6, § 3; Amendment 6, § 3]

**Legislative Office:**

A candidate for State Senate or State House of Representatives who receives the greatest number of legal votes cast for the office at the general election held in November shall be declared elected. [A.C.A. § 7-5-704]

If any two (2) candidates receive the highest number of votes and an equal number of votes, a tie shall exist, and a special runoff election must be held four (4) weeks from the day of the general election with the names of those two (2) candidates placed on a special runoff election ballot to be voted upon by the qualified electors of the districts. [A.C.A. § 7-5-704]

**County Office:**

The candidate who receives a majority of the votes cast for the office at the general election held in November shall be declared elected.

If there are more than two (2) candidates for election at the general election and no candidate receives a majority of the votes cast for the office, a general runoff election must be held four (4) weeks after the general election. The names of the two (2) candidates receiving the highest number of votes shall be placed on a general runoff election ballot to be voted upon by the qualified electors of the county. [A.C.A. § 7-5-106(a)]

If one (1) of the two (2) candidates who received the highest number of votes for an office, but not a majority in the general election, withdraws before certification of the results of the general election, the remaining candidate who received the most votes at the general election shall be declared elected to the office and there shall be no general runoff election. [A.C.A. § 7-5-106(d)]

If two (2) candidates receive the highest number of votes and also receive the same number of votes, a tie shall exist. The names of the two (2) candidates shall be placed on the general runoff election ballot to be voted upon by the qualified electors of the county. [A.C.A. § 7-5-106(b)]

If one (1) candidate receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes, a tie shall exist between the two (2) candidates. The county board of election commissioners must hold a public meeting and in the presence of the two (2) candidates determine the runoff candidate by lot. [A.C.A. § 7-5-106(c)]

The candidate receiving the majority of votes cast for the office at the general runoff election shall be declared elected. *[A.C.A. § 7-5-106(e)(1)]*

If in the runoff election, the two (2) candidates seeking election receive the same number of votes, a tie shall exist. The county board must hold a public meeting and in the presence of the two (2) candidates determine the winner of the runoff general election by lot. *[A.C.A. § 7-5-106(e)(2)]*

### **Municipal Office:**

Municipal office includes offices of cities of the first class, cities of the second class, and incorporated towns.

Except in City Manager Form of governments, the candidate who receives a majority of the votes cast for the office at the general election held in November shall be declared elected. *[A.C.A. §§ 7-5-106(a), 14-48-109(a)(8)]*

In City Manager Form of governments, the candidate who receives a plurality of the votes cast for the office at the general election held in November shall be declared elected. *[A.C.A. §§ 14-47-110(a)(4), 14-61-111(a) (plurality winner for mayor in cities with elected mayor unless the people have voted to require a minimum percentage to avoid a runoff)]*

### **Mayor Council Form of Governments:**

A candidate who receives at least forty percent (40%) of the votes cast for the office shall be declared elected to the office if that candidate also receives at least twenty percent (20%) more votes than the second-place candidate. *[A.C.A. § 7-5-106]*

A general runoff election must be held four (4) weeks after the general election if there are more than two candidates and no candidate receives either a majority of votes cast or both forty percent (40%) or more of the votes cast for the office at the general election and at least twenty percent (20%) more votes than the second-place candidate. In that event, the names of the two (2) candidates receiving the highest number of votes shall be placed on a general runoff election ballot to be voted upon by the qualified electors of the municipality.

*[A.C.A. § 7-5-106(a), (d); NOTE: A.C.A. §§ 14-42-206(c)(1)(A) and 14-43-304(c)(1) are repealed by implication]*

If either of the two (2) candidates, who received the highest number of votes cast for an office in the general election but who did not receive either a majority of the votes cast or both forty percent (40%) or more of the votes cast and at least twenty percent (20%) more than the second-place candidate, withdraws before certification of the results of the election, the remaining candidate who received the most votes at the general election shall be declared elected to the office and there shall be no general runoff election. *[A.C.A. § 7-5-106(d)]*

If two (2) candidates receive the highest number of votes and also receive the same number of votes, a tie shall exist. The names of the two (2) candidates shall be placed on the general runoff election ballot to be voted upon by the qualified electors of the municipality. *[A.C.A. § 7-5-106(b)]*

If one (1) candidate receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes, a tie shall exist between the two (2) candidates. The county board of election commissioners must hold a public meeting and in the presence of the two (2) candidates determine the runoff candidate by lot. [A.C.A. § 7-5-106(c)]

The candidate receiving the majority of votes cast for the office at the general runoff election shall be declared elected. [A.C.A. § 7-5-106(e)(1)]

If in the runoff election, the two (2) candidates seeking election receive the same number of votes, a tie shall exist. The county board must hold a public meeting and in the presence of the two (2) candidates determine the winner of the runoff general election by lot. [A.C.A. § 7-5-106(e)(2)]

**Nonpartisan Judges and Prosecutors:**

A candidate for the office of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney shall not be elected to a nonpartisan office without receiving a majority of the votes cast for the office at the nonpartisan general election held in March. [A.C.A. § 7-10-102(c)(1)]

If no person receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes are certified to a runoff election to be held on the same date at the same times and places as the November general election. [A.C.A. § 7-10-102(c)(2), (3)]

## **FINAL CERTIFICATION**

### **Provisional Ballots**

Before final certification of the election, the county board of election commissioners must review and determine the validity of every provisional ballot. [A.C.A. § 7-5-308(d)(1)]

Unless directed by a court of competent jurisdiction, a provisional ballot, other than a ballot made provisional due to the voter's failure to verify their voter registration, is counted if it is cast by a voter who is lawfully registered in the county and is cast on the correct ballot (according to the precinct listed on the voter's eligibility affirmation) for the precinct of the voter's residence. Also, a ballot cast for failure to verify voter registration may be counted if it is accompanied by a Verification of Identity Affirmation signed by the voter, or if the voter returns to the county board of election commissioners or the county clerk by 12:00 noon on the Monday following the election and submits a valid photo ID [A.C.A. §§ 7-1-101; 7-5-308(d)(2)(B) and 7-5-418(d)); 7-5-417(c)]

Each provisional voter must be notified by first class mail whether his or her vote was counted, and if not, the reason for rejecting the provisional voters' ballot and of the date, time, and place for a hearing before a final determination is made. [A.C.A. § 7-5-308(c)(2)]

The county board must include all provisional ballots found to be valid in the final count and certification. [A.C.A. §§ 7-1-101; 7-5-417(c); 7-5-418(d)]

## STATE BOARD RULES REGARDING PROVISIONAL VOTING

The State Board of Election Commissioners' Rules on Poll Watchers, Vote Challenges, and Provisional Voting provides details on reviewing provisional ballots, notice to provisional voters, hearings, and counting provisional ballots and are available at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec).

### **Overseas Absentee Ballots**

All overseas absentee ballots that were properly executed by the day of the election and received by the county clerk by 5:00 p.m. ten (10) days after the election must be counted and included in the final certification of the election regardless of whether the outcome of the election would change. [A.C.A. § 7-5-411(a)(1)(B)]

### **Results**

No earlier than forty-eight (48) hours after an election and no later than the tenth day after the primary and nonpartisan general elections held in March and the primary runoff election held in June or no later than the fifteenth day after the general and nonpartisan general runoff elections held in November, the county board of election commissioners shall determine, declare, and certify the result of state and federal elections to the Secretary of State. [A.C.A. §§ 7-5-701(a)(1); 7-5-707(a); 7-7-203(e)(1); 7-7-309]

The county board or the county clerk, by agreement with the county board, must transmit the certified results for each precinct to the Secretary of State via the internet website provided by the Secretary of State, if possible, or by facsimile, if not. [A.C.A. §§ 7-5-701(a)(2); 7-9-119]

***Note:** The Secretary of State may require the election commissions to submit additional information as determined by the Secretary of State.* [A.C.A. § 7-5-707(b)]

For municipal elections in municipalities situated in two (2) or more counties, the county board of election commissioners in the county in which fewer residents of the municipality reside shall certify the election results in municipal offices and issues for that county to the election commission of the county in which the greater number of residents of the municipality reside.

The county board of election commissioners in which the greater population of the municipality resides shall tabulate the votes cast on municipal offices and issues and shall certify the election results to the mayor of the municipality. [A.C.A. §§ 14-42-204; 14-42-205 (c),(d)]

### **Abstract of Returns**

#### **Members of Congress, Executive, Legislative, Judicial Officers, and Prosecuting Attorneys:**

No earlier than forty-eight hours (48) hours and no later than the fifteenth day after the election, the county board of election commissioners must mail to the Secretary of State certified copies of the abstracts of the returns of the election. [A.C.A. § 7-5-701(c)(1)]

#### **Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General:**

No earlier than forty-eight (48) hours and no later than the fifteenth day after the election, the county board must mail to the Secretary of State a separate envelope addressed to the Speaker of the House of Representatives containing a certified copy of the abstract of votes for the constitutional officers of the state listed above. [A.C.A. § 7-5-701(d)(1)]

#### **Measures:**

The county board must certify and deliver an abstract of all votes cast on any measure to the Secretary of State no earlier than forty-eight (48) hours and no later than fifteen (15) calendar days after the election. [A.C.A. § 7-9-119(b)]

#### **Failure to Deliver:**

If the county board does not comply with certification deadlines, the Secretary of State shall file a complaint with the State Board of Election Commissioners according to Ark. Code Ann. § 7-4-120. [A.C.A. § 7-5-701(c)(3)]

### **Certificate of Election**

#### **Delivery:**

The county board of election commissioners must deliver a certificate of election to the person having the highest numbers of legal votes for any county office within nineteen (19) days after any general, special, or school election. [A.C.A. § 7-5-701(a)(3)]

#### **Filing:**

The county board files a certificate detailing the result of the election in the office of the county clerk. [A.C.A. § 7-5-701(b)]

## **ELECTION CONTESTS**

### **Candidate Contests**

#### **Circuit Court:**

Within twenty (20) days of the certification that is the subject of the complaint, any candidate can contest the certification of nomination or the certification of vote in any election in the circuit court of the county in which the certification of nomination or certification of vote is made or where otherwise provided by law, and the election contest shall be tried by the circuit judge in open court without a jury. [A.C.A. §§ 7-5-801; 7-5-804(a)]



**State Senator:**

Any contest to the eligibility, qualification, or election to serve as a member of the Senate of the General Assembly shall be according to the rules and procedures for election contests established by the Senate under its governing rules. [A.C.A. § 7-5-805(a)]

**State Representative:**

Any contest to the eligibility, qualification, or election to serve as a member of the House of Representatives of the General Assembly is initiated by filing a complaint with the Arkansas State Claims Commission within fifteen (15) days after the election returns are certified by the county board of election commissioners in the case of election contests, and at any time after the election in the case of eligibility contests. [A.C.A. § 7-5-805(b)]

**Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General:**

All contested general elections are decided by the joint vote of both houses of the General Assembly with the President of the Senate presiding. [A.C.A. § 7-5-806(a)]

**Citizen Contests**

If ten (10) reputable citizens of any county allege that illegal or fraudulent votes were cast, that fraudulent returns or certifications were made, or that the Political Practices Act was violated and file a complaint with the circuit judge within twenty (20) days after any election, the circuit judge convenes a special or regular term for hearing the case. [A.C.A. § 7-5-807]

Any twenty-five (25) qualified electors of the state may contest the returns and certification of the votes cast upon any measure by filing a contest in the Circuit Court of Pulaski County within sixty (60) days after the certification of the vote. [A.C.A. § 7-9-121]

**PRESERVATION OF ELECTION EQUIPMENT & MATERIALS****Voting Machines****Release:**

Voting machines must be released to a person designated by the county board of election commissioners for storage in a secure facility designated by the county board. [A.C.A. § 7-5-528]

**Secured:**

All voting machines used in any election must remain secured for at least three (3) days after the election, unless ordered activated sooner by court order. [A.C.A. § 7-5-531(b)(1)]

In the event of a recount or an election contest, the county board must secure and store audit logs and voter-verified paper audit trails (VVPATs) in a secure place in the county courthouse under lock and key awaiting further orders of the county board or court. [A.C.A. § 7-5-530(b), (c)]

All audit logs, ballot stubs and VVPATs produced by voting machines must be secured for a period of two (2) years and preserved in the same manner and for the same time period as ballots and certificates are preserved under Ark. Code Ann. § 7-5-702. [A.C.A. §§ 7-5-531(a); 7-5-532(e)]

**Clearing:**

After final certification of the election, the county board must clear the voting machines for future elections. [A.C.A. § 7-5-531(b)(2)]

**Voter Lists and Registration Documents**

**Return/Retention:**

All voter lists, precinct voter registration lists, affidavits, and other voter registration documents are returned to the county clerk and retained according to Ark. Code Ann. § 13-4-306. [A.C.A. § 7-5-317(a)(2)]

**Ballots and Certificates**

**Custody:**

After final certification of the election, the county board of election commissioners, retains custody of and safely keeps in a sealed, appropriately marked container in a secure location in the county courthouse or other county storage facility all ballots, ballot stubs and certificates returned to it from the several precincts for a period of twenty (20) days. During the time that ballots and stubs are retained or stored, no one may open the package containing them unless directed to do so by a competent tribunal before which an election contest or prosecution is pending in which the ballots are to be used as evidence. [A.C.A. § 7-5-702(a)(c)]

**Election Contest:**

If the county board is notified in writing within the twenty (20) day period of an election contest or initiation of criminal prosecution for fraud in the election, the county board must preserve the ballots, ballot stubs and certificates as may relate to the contest or prosecution for use as evidence. [A.C.A. § 7-5-702(b)]

**Retention:**

After the twenty (20) day period following final certification, ballots (marked and unmarked), ballot stubs and certificates must be stored in a secure location in the county courthouse or other county storage facility for a period of two (2) years from the date of the election. [A.C.A. § 7-5-702(a)]

**Destruction of Election Materials**

**Marked Ballots/Ballot Stubs:**

After a period of two (2) years, the county board of election commissioners may destroy all marked ballots and ballot stubs upon entering an order directing the destruction, upon making and retaining a record of ballots destroyed, and upon filing the order and record with the county clerk. [A.C.A. § 7-5-702(e)]

**Election Materials Generally:**

It is a felony to destroy the following before legally allowed:

- A ballot that was completed, cast, abandoned or spoiled
- A ballot stub from a ballot that was completed, cast, abandoned or spoiled
- A completed voter statement
- An envelope that contains a ballot
- An affidavit provided to the county clerk
- An absentee ballot list
- An absentee ballot application
- A list of absentee ballot applications prepared under 7-5-408
- Any other ballot related material

“Ballot related material” is material “provided to a person representing himself or herself as the voter or his or her agent by a county clerk, member of a county board of election commissioners, or a poll worker and returned by the person ... or agent for the purpose of voting in an election.” The penalty for violation is at least a one-year jail term and a fine of up to \$10,000. *[A.C.A. §7-1-112]*

**Measures****Document Retention:**

All petitions with signatures, notices, certificates, or other documents surrounding a measure on the ballot must be filed and preserved with the county clerk for two (2) years. *[A.C.A. §7-9-123]*

**ENFORCING ELECTION LAWS****Complaints****Voting Machine Malfunction:**

The county board of election commissioners must provide forms at each polling place using a voting machine for voters to use for complaints about the function of a voting machine. The poll workers must forward all filed complaints to the county board for investigation. A copy of the complaint must also be provided to the Elections Division of the Secretary of State. *[A.C.A. § 7-5-510]*

**STATE BOARD’S VOTER COMPLAINT FORM FOR  
VOTING MACHINE MALFUNCTION**

The State Board of Election Commissioners developed a Voter Complaint form for voters to use to file a complaint about the function of a voting machine. The State Board’s Voter Complaint Form is provided in the Forms & Instructions section in the back of this manual.

**Written Complaints:**

Written complaints concerning any election law violation or irregularity received by the county board must be forwarded to the appropriate county clerk and prosecuting attorney for evaluation. Copies of complaints may be forwarded to the State Board of Election Commissioners who has primary jurisdiction to investigate complaints of election law violations. [A.C.A. § 7-1-109; § 7-4-120]

**STATE BOARD'S PROCEDURES FOR ALL OTHER COMPLAINTS**

The State Board has developed rules, procedures, and forms for filing complaints related to HAVA and Non-HAVA violations of election and voter registration laws. All of this information is available on the State Board's website at <http://www.arkansas.gov/sbec>.

**Voter Identification**

**Failure to Provide:**

After each election, the county board of election commissioners may review the precinct voter registration lists for voters not providing identification at the polls and forward the information to the prosecuting attorney for investigation of possible voter fraud. [A.C.A. § 7-5-305(a)(8)(B)(iii), (iv)]

**Provisional Ballots**

**Referral to Prosecuting Attorney:**

When examining provisional ballots before certification of the results of the election, if the county board of election commissioners suspects that a violation of election laws has occurred, the county board may refer the matter to the prosecuting attorney. [A.C.A. § 7-5-308(e)]

## **ELECTION EXPENSES**

### **Voting Equipment**

#### **Purchases:**

The County Voting System Grant Fund is available to the counties pursuant to A.C.A. § 19-5-1243 to purchase voting machines, electronic vote tabulating devices, and for other voting system equipment and maintenance. The Secretary of State shall establish guidelines and procedures for a grant program to distribute the funds to the counties. [A.C.A. § 7-5-301(d)]

#### **Technical Support:**

Each county shall provide or contract for adequate technical support for the installation, set up and operation of the voting system for each election. [A.C.A. § 7-5-301(g)]

#### **Voter Continuing Education:**

The Secretary of State is responsible for developing, implementing and providing a continuing program to educate voters and poll workers in the proper use of the voting system. [A.C.A. § 7-5-301(h)]

### **State-Funded Elections**

#### **Funding:**

The State Board of Election Commissioners funds political party primary elections from funds appropriated to the State Board for election expenses of the State Board and the county boards of election commissioners for preferential primary and nonpartisan elections conducted in March, primary runoff elections conducted in March, special primary elections, and statewide special elections. [A.C.A. § 7-7-201(a)]

#### **Procedure:**

The State Board will furnish each individual designated by the county board with comprehensive guidelines, instructions, and worksheets for requesting payment from the State Board for eligible state-funded election expenses. This information is also available on the State Board's website at <http://www.arkansas.gov/sbec>. This system of funding by the State Board has resulted in uniform and consistent distribution of funds from the State to the counties and provided information used by the State Board to maintain databases of comparative election costs, allowing the State to maintain a high level of fiscal accountability. [A.C.A. § 7-7-201(b)(2)]

#### **Withholding:**

The State Board may withhold funding for otherwise eligible state-funded election expenses from any county that fails to comply with the rules developed by the State Board for the administration of primary elections or for failure to comply with applicable state election laws until all requirements are met to the satisfaction of the State Board. [A.C.A. § 7-7-201(b)(3)]

## **STATE BOARD RULES AND GUIDELINES FOR REIMBURSEMENT**

The State Board of Election Commissioners has promulgated rules under the Administrative Procedure Act and developed guidelines establishing eligible state-funded election expenses.

The State Board of Election Commissioners' Rules for Reimbursement of Expenses for State-Funded Elections and its guidelines for seeking reimbursement from the State Board for a preferential primary election, for a primary runoff election, for a statewide special election, and for a special primary election are available at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec).

### **General Elections**

All expenses of general elections for presidential, congressional, state, district, county, township, or municipal offices in this state shall be paid by the counties in which held, and cities or incorporated towns shall reimburse the county boards of election commissioners for the expenses of the elections according to the formula outlined in Ark. Code Ann. § 7-5-104. [A.C.A. § 7-5-301(j)]

### **Special Elections**

#### **Paid by County:**

Except for statewide special elections and special party primary elections paid by the State Board of Election Commissioners in accordance with Ark. Code Ann. § 7-7-201, expenses for special elections for congressional, state, district, county, and township offices, including runoff elections as required by law, shall be paid by the counties in which they are held. [A.C.A. § 7-5-104(b)(1)]

All expenses of special elections called by any county to refer a question or measure to the voters of the county shall be paid by the county. [A.C.A. § 7-5-104(b)(3)]

#### **Paid by City/Incorporated Town:**

All expenses of special elections for municipal offices, including any runoff elections as required by law, and for referring a question or measure to the voters of the city or incorporated town shall be paid by the city or incorporated town calling for the elections. [A.C.A. § 7-5-104(b)(2), (4)]

#### **Paid by School District:**

All expenses of a special school election shall be paid by the school district calling for the election. [A.C.A. § 6-14-118(2)]

## ANNUAL SCHOOL ELECTIONS

During 2020 the annual school elections are held on the preferential primary date in March or with the general election in November, whichever is chosen by the school district. The following three (3) years the annual school election will be held on the third Tuesday in May or the first Tuesday following the first Monday in November of each year, whichever is chosen by the school district. This election is to elect school board positions and submit to a vote of the people an annual proposed rate of tax for the maintenance and operation of schools and the retirement of indebtedness. *[Article 14, § 3 of the Arkansas Constitution, as amended by Amendments 1, 11, and 40; A.C.A. § 6-14-102(a)(1) as amended by Act 545 of 2019; Attorney General's Opinion No. 96-380]*

### **Polling Sites**

#### **Designation:**

If the election is held at the same time as the preferential primary election or general election, the polling sites for the annual school election shall be the same as the polling sites for the primary or general election. *[A.C.A. § 6-14-106(a)(5)]*

If the election is held on a date on which no other elections are held a school district with territory in more than one (1) county, the county board of the domicile county (the county where administrative headquarters is located) must designate one (1) or more polling sites in each county in which the school district has territory containing a city of the second class or larger. *[A.C.A. § 6-14-106(a)(1), (b)]*

Polling sites for school elections are established by a majority vote of the members of the county board present. *[A.C.A. § 6-14-106(a)(3)]*

The polling sites for each school election are the same as those established for the most recent contested school election unless changed by order of the county board. *[A.C.A. § 6-14-106(a)(4)(A)]*

#### **Consultation with School District:**

The county board must consult with each school district regarding the number of polling sites to designate for each school district and the location of the polling sites. *[A.C.A. § 6-14-106(a)(2)]*

#### **Early and Absentee Only:**

In in an odd year annual school election if all races are unopposed and the only ballot issues for consideration is the local tax rate which is not being changed or restructured. The board of directors of any school district may requested by resolution for the county board to reduce the number of polling sites or allow annual school elections to be conducted by early and absentee voting only. *[A.C.A. § 6-14-102(c)]*

The county board of election commissioners may choose to use only paper ballots counted by hand for the no poll election. *[A.C.A. §§ 6-14-102(c)(2)(B)]*

#### **No Poll Elections:**

If, in an odd year annual school election, the district's rate of taxation has been voted on in a special election earlier that calendar year resulting in no issues appearing on the ballot and all

racers to be voted on in the election are unopposed, the county board of election commissioner may declare and certify the unopposed candidates as elected in the same manner as if the candidate had been voted upon at the election. [A.C.A. §§ 6-14-102(c)(2)(B); 7-11-107(b).]

### **Election Officials**

#### **Qualifications:**

In addition to other qualifications under Arkansas law regarding poll workers, a poll worker at a school election may be a paid employee of the school district holding the election. [A.C.A. § 6-14-106(f) as amended by Act 553 of 2019]

#### **Number:**

In odd year school elections, the county board of election commissioners of the domicile county appoints one (1) election judge and one (1) election sheriff for each polling site and as many additional election clerks at each polling site as are necessary for holding the election. [A.C.A. § 6-14-106(a)(1), (f)(1)]

### **Publications**

All publication requirements are the responsibility of the county board of election commissioners. These notices may be included with the notices legally required for primary and general elections. [Act 473 of 2019]

#### **Public Notice of Election:**

The county board of election commissioners shall give notice of all school elections in the same manner as notice of all other elections conducted by the county board of election commissioners. Notice must be published in a newspaper of general circulation at least ten (10) days prior to the school election and published a second time at least five (5) days prior to the school election.

When a school election is only conducted by the county board of election commissioners for the domicile county and the school district includes more territory than the domiciled county, the notice of election shall be published in one (1) or more newspapers of general circulation in each of the counties in which the district has territory. The county board of election commissioners shall publish notice of an issue to be placed on the ballot in the manner provided under § 7-5-206. [A.C.A. § 6-14-106 as amended by Act 473 of 2019]

#### **Content of Public Notice of Election:**

The public notice of the election shall contain: the date of the election; the hours of voting on election day; the places and times for early voting; polling sites for holding the election in the county; the candidates and offices to be elected; the time and location of opening, processing, canvassing, and counting ballots including absentee and early ballots; the location and date that the list of appointed election officials will be posted and directions for filing an object to the service of an elected official. The notice should also contain the text of the district's rate of taxation. [A.C.A. §§ 7-5-202(a) as amended by Act 798 of 2017; 7-5-416(a)(2)]



**Ballot Position Draw (odd-year):**

Notice of the drawing for ballot position must be published three (3) days before the public meeting for ballot draw. [7-5-207(c)(2)]

**Ballots**

For school elections held in even years it is the responsibility of the county board of election commissioners to produce ballots for all voting precincts within the county. In odd years the county board of election commissioners of the domicile county prepares and furnishes the needed ballots for the annual school election. [A.C.A. § 6-14-111(b)]

Only issues authorized to be on the ballot by the Arkansas Constitution or by statute may appear on the ballot. Issues to be considered may be printed on the same ballot as the other election held on the same date. [A.C.A. § 6-14-102(a)(2) as amended by Act 552 of 2019]

The county board places on the ballots as a candidate for school district director the name of any qualified registered voter whose political practices pledge, affidavit of eligibility, and petition has been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes according to Ark. Code Ann. § 6-14-111.

On the day after the deadline for candidates filing by petition, the county clerk of the county which the school district is domiciled for administrative purposes must certify to the county board the names of those candidates who have qualified for the ballot by petition. If the annual school election is being held with a preferential primary or general election, the county clerk must also certify the names of candidates to all non-domicile counties for districts domiciled in their county. [A.C.A. § 6-14-111(i)(1)]

Immediately after the close of the write-in filing period, the county clerk of the county which the school district is domiciled for administrative purposes certifies to the county board any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the clerk. [A.C.A. § 6-14-111(i)(2) as amended by Act 552 of 2019]

The county board must hold a public meeting no later than seventy-two (72) days before the annual school election and determine by lot the order that the names of the candidates will appear on the ballot. [A.C.A. § 6-14-111(j)]

**Election Materials***Odd-Year elections:*

The county board of election commissioners of the domicile county prepares and furnishes all necessary election supplies for the annual school election. [A.C.A. §§ 6-14-106(a)(1); 6-14-111(b)]

If a school district has territory in more than one (1) county, the county board must assure that the necessary precinct registration files are delivered to each polling site in order that the electors in each county may vote in the school election. [A.C.A. § 6-14-106(c)]

### **Ballot Secrecy**

Each voter must be provided privacy to mark his or her ballot. *[A.C.A. § 6-14-110]*

### **Counting Ballots and Certifying Results**

#### **Certification of Results:**

When the polls are closed, the election officials must immediately count the results, make a return of the votes, certify the return, and file the certification with the county clerk of the domicile county for delivery to its county board of election commissioners. *[A.C.A. §§ 6-14-114; 6-14-115]*

The county board must determine, declare, and certify the result of the school election to the county clerk, no earlier than forty-eight (48) hours and no later than fifteen (15) days after the election. *[A.C.A. § 6-14-115 as amended by Act 552 of 2019]*

The county board must also file a certified copy of the results of any school district not domiciled for administrative purposes in their county with the county clerk of the county in which the school district is domiciled. *[A.C.A. § 6-14-115 as amended by Act 552 of 2019]*

The certification must show the number of votes cast for each person for school district director, the number of votes cast for and against the school tax, the number of additional mills for maintenance and operation, the number of mills for dedicated maintenance and operation, the number of mills for debt service, the total millage rate levied for all purposes in excess of the uniform rate of tax, and the number of votes cast for and against any other question submitted at the election. *[A.C.A. § 6-14-114]*

The county clerk of the county in which the school district is domiciled, for administrative purposes, shall file certified copies of the results and a certification of the outcome of each race or issue with each nondomicile county clerk in which any part of the school district lies. *[A.C.A. § 6-14-115 as amended by Act 552 of 2019]*

#### **Runoff Election:**

If no candidate for any school district position receives a majority of the votes cast for the office or if a tie vote exists, a runoff election is held in the district four (4) weeks after the date of the election with the names of the two (2) candidates receiving the highest number of votes placed on the runoff ballot. Candidates have the same relative ballot position as in the school election. *[A.C.A. §§ 6-14-121(a); 7-5-207(c)]*

The person receiving the majority of the votes cast for the position at the runoff election is declared elected. *[A.C.A. § 6-14-121(b)]*

In the event the two (2) candidates in the runoff election seeking election to the same school district position receive the same number of votes, a tie exists, and the county board determines the winner by lot at an open public meeting and in the presence of the two (2) candidates. *[A.C.A. § 6-14-121(d)]*

**Candidate Withdrawal:**

If one (1) of the two (2) candidates who received the highest number of votes for a school district position withdraws before certification of the result of the school election, the remaining candidate who received the most votes is declared elected, and there is no runoff election. [A.C.A. § 6-14-121(c)]

**Election Contest**

Within twenty (20) days of the date of certification, a candidate may contest the election in the circuit court of the county in which the school district is domiciled according to the procedures provided under Ark. Code Ann. § 7-5-801 et seq. [A.C.A. § 6-14-116]

**Election Expenses****Even-Numbered Year Election:**

If the school election is held in an even-numbered year, the school district shall reimburse each county in which the school election appears the additional costs incurred by the county when holding the school election in conjunction with the primary or general election. [A.C.A. § 6-14-118]

See the State Board *Rules for the Annual School Election in Even-Numbered Years* available at [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec) for procedures for calculation, allocation, and billing of the cost of an even-numbered year school election.

**Odd-Numbered Year Election:**

The school districts in the county shall reimburse the county for the cost of the election [A.C.A. § 6-14-118]

**SPECIAL ELECTIONS****Laws Governing**

In the absence of provisions in the laws governing special election procedures, a special election is governed by either primary election laws of the state or general election laws of the state, as the case may be and by provisions in the document calling the election if different from the laws. [A.C.A. §§ 7-11-102; 7-11-204; 7-11-301]

**Calling**

All special elections and other elections to fill a vacancy in an office are called by proclamation, ordinance, resolution, order, or other authorized document of the appropriate constituted authority. [A.C.A. § 7-11-101]

Except for special school elections, all special elections on measures or questions referred to the voters by governmental entities as authorized by law are called by proclamation, ordinance, statute,

resolution, order, or other authorized document of the appropriate constituted authority. [A.C.A. § 7-11-201]

### **Calling Document**

#### **Vacancies in State, Federal, or District Offices/State Measures or Questions:**

The proclamation, ordinance, resolution, order, or other authorized document of the appropriate constituted authority calling a special election to fill a state, federal, or district office or calling a special election on a state measure or question is filed with the Secretary of State, who immediately transmits the document to the county board of election commissioners where the special election is to be held. [A.C.A. §§ 7-11-103(a); 7-11-202(a)]

#### **Vacancies in Local Offices/Local Measures or Questions:**

The proclamation, ordinance, resolution, order, or other authorized document of the appropriate constituted authority calling a special election to fill a local office or calling a special election on a local measure or question is filed with the county clerk of the county administering the election, who immediately transmits the document to the county board of each county where the special election is to be held. [A.C.A. §§ 7-11-104(a); 7-11-203(a)]

#### **Special Election to Fill Vacancy:**

The proclamation, ordinance, resolution, order, or other authorized document calling for a special election to fill a vacancy in an office must be published in a newspaper of general circulation where the special election is to be held and must set forth the:

- Date of the election;
- Date of the special primary election, if any;
- Date of the special primary runoff election, if any is required;
- Deadline for filing as a party candidate with the county clerk or Secretary of State, as the case may be;
- Deadline for party conventions to select nominees, if applicable;
- Deadline for parties to issue certificates of nomination or certified lists of nominees, as the case may be, if applicable;
- Deadline for candidates to file certificates of nomination, if applicable, with the county clerk or the Secretary of State, as the case may be;
- Deadline for filing as an independent candidate and the period that a petition for independent candidacy may be circulated;
- Deadline for filing as a write-in candidate, if applicable;
- Deadline for the county election commissioners to draw for ballot position; and
- Date the election shall be certified by the county board in each county where the election takes place and, if applicable, by the Secretary of State.

[A.C.A. §§ 7-11-102; 7-11-103(b)]

#### **Special Election on Measures or Questions:**

The proclamation, ordinance, statute, resolution, order or other authorized document calling the special election must set out:

- The date of the special election;
- The full text of any measure or question for which the election is called;

- The ballot title, if any, for the measure/question for which the election is called; and
- Any other information required by law. [A.C.A. § 7-11-204]

**Publication:**

The county board must publish the calling document as soon as practicable in a newspaper of general circulation in the county where the special election is being held. [A.C.A. §§ 7-11-103(b); 7-11-202(b)]

In addition to the publication of the calling document, notice of special elections held under Title 7, Chapter 11 must be published and posted according to Ark. Code Ann. §§ 7-5-202 and 7-5-206. [A.C.A. § 7-11-303]

**Designated Dates for Special Elections****Second Tuesday of Month:**

Except as otherwise provided by law, a special election to fill vacancies in office and the associated special primary election and all special elections on measures or questions referred to voters is held on the second Tuesday of any month. [A.C.A. §§ 7-11-105(a); 7-11-205(a)(1)(A)]

**Third Tuesday of Month:**

A special election scheduled to occur in a month where the second Tuesday of the month is a legal holiday is held on the third Tuesday of the month. [A.C.A. §§ 7-11-105(b); 7-11-205(a)(1)(B)(i)]

**With Preferential Primary Election, General Primary Election or General Election:**

A special election to fill a vacancy in office held in the same month that a preferential primary election, general primary (runoff) election or general election is scheduled to occur, is held on the same date as the corresponding election, but no less than seventy (70) days after the date established in the proclamation, ordinance, resolution, order, or other authorized document for drawing for ballot position. [A.C.A. § 7-11-105(d)(1), (e)(1)]

A special election on a measure or question held in the same month that a preferential primary election, general primary (runoff) election or general election is scheduled to occur is held on the same date as the corresponding election, but no less than seventy (70) days after the proclamation, ordinance, resolution, order or other authorized document is filed with the county clerk. [A.C.A. §§ 7-11-205(a)(1)(A); 7-11-205(b)(1)]

**Special Primary Election:**

A special primary election to fill a vacancy in nomination may be called only if the special primary election can be called, held, conducted, certified, and certificates of nomination filed at least seventy (70) days before the general election. [A.C.A. § 7-7-104(a)(2)(B)]

If there is only one (1) candidate after all deadlines for filing as a candidate have passed in a special primary election to fill a vacancy, the county board of election commissioners shall certify the candidate as the nominee of the political party without holding a special primary election for the political party. [A.C.A. § 7-11-107(a)(2)]

**Other Special Elections:**

If a special election is not held at the same time as the preferential primary election, general primary (runoff) election or general election, the special election is held not less than sixty (60) days after the date established in the proclamation, ordinance, resolution, order, or other authorized document for drawing for ballot position. [A.C.A. §§ 7-11-105(e)(2); 7-11-205(b)(2)]

**Vacancies Filled Under Arkansas Constitution, Amendment 29:**

When a vacancy in office is to be filled under Arkansas Constitution, Amendment 29, the Governor issues a proclamation calling an election to fill a vacancy. [A.C.A. § 7-11-302(1)]

If the vacancy occurs less than one hundred eighty (180) days before the general election at which the vacancy is to be filled and the position is one that may be filled by partisan election, the political parties shall choose their nominees at a convention. [A.C.A. § 7-11-302(2)]

If the vacancy occurs more than one hundred eighty (180) days before the general election and is a position that may be filled by partisan election, the Governor certifies the fact of vacancy in writing to the state committees of the political parties and requests written determination within ten (10) days as to whether the political parties desire to hold a special primary election or a convention to choose nominees. [A.C.A. § 7-11-302(3)]

If no state committee of any political party timely responds to the Governor of its determination to hold a special primary election or convention, the Governor declares by proclamation that all nominees shall be chosen by convention. [A.C.A. § 7-11-302(5)]

If the state committee of any political party timely notifies the Governor of its choice to hold a special primary election, all party nominees must be chosen at a special primary election. [A.C.A. § 7-11-302(4)]

The Governor issues a proclamation that sets dates for both the special primary election and any primary runoff election if no candidate receives a majority of the vote at the special primary election. [A.C.A. § 7-11-302(4)]

**Polling Sites**

**Reduction:**

If in a special election to fill a vacancy, there is only one (1) candidate and no other office or issue on the ballot, the county board of election commissioners may reduce the number of polling places for the election to only one (1) polling place. [A.C.A. § 7-11-107(a)(2)]

The polling place may be at the courthouse and may be staffed by the county clerk or as many poll workers as the county board deems necessary. [A.C.A. § 7-11-107(a)(2)]

**No Poll Elections:**

If in a special election to fill a vacancy, there is only one (1) candidate and no other office or issue on the ballot, the county board may conduct the election by absentee and early voting only with no polls open on election day. [A.C.A. § 7-11-107(a)(1)]

The county board of election commissioners may choose to use only paper ballots counted by hand for the no poll election. [A.C.A. § 7-11-107(b)]

For special elections to fill a vacancy in a municipal office, the county board of election commissioners may also choose to hold an election by candidate. [A.C.A. § 7-11-107(c)]

- No polling places will be open and the candidate can cast a ballot for himself at a designated time and location on the special election day.
- The election commission must publish notice that an “election by candidate” will be held and that no polling places will be open. The notice must appear in a newspaper and be posted on the door of each polling place that would have otherwise been open for the election.
- The candidate shall be declared elected when the candidate casts a ballot for herself or himself.

**Ballots****Primary Elections:**

When a special primary election is held on the same date as a preferential primary election, the names of the candidates to be voted upon at the special primary election are included on the ballot of each political party and the portion of the ballot on which the special primary election appears is labeled with a heading stating “SPECIAL PRIMARY ELECTION FOR \_\_\_\_\_” with the name of the party for which nomination is sought and the office set out in the heading. [A.C.A. § 7-11-106(a)]

When a special election is held on the same date as a preferential primary election, the names of the candidates and any issue or issues to be voted upon at the special election are included on the ballot of each political party and that portion of the ballot on which the special election appears is labeled with a heading stating “SPECIAL ELECTION FOR...” with the name of the office set out in the heading or “SPECIAL ELECTION ON...” with a brief description of the measure or question to be decided in the election. [A.C.A. §§ 7-11-105(d)(2); 7-11-205(a)(2)(A), (B)]

Separate ballots containing the names of the candidates to be voted on at the special election, any nonpartisan candidates, and any other measures or questions to be voted upon must be provided for those voters who wish to vote in the special election or nonpartisan general election, but do not wish to vote in a party’s primary. [A.C.A. §§ 7-7-306(b); 7-10-102(b)(2), (3); 7-11-105(d)(3), (4)(A); 7-11-106(b); 7-11-205(a)(3), (4)]

**General Elections:**

When a special primary election is held on the same date as a general election, the names of the candidates to be voted upon at the special primary election are included on the general

election ballot and that portion of the ballot is labeled “SPECIAL PRIMARY ELECTION FOR . . .” with the name of the office set out in the heading.

When a special election is held on the same date as a general election, the names of the candidates and the issue or issues to be voted upon at the special election are included on the general election ballot and the portion of the ballot on which the special election appears is labeled with a heading stating “SPECIAL ELECTION FOR . . .” with the name of the office set out in the heading or “SPECIAL ELECTION ON...” with a brief description of the measure or question to be decided in the election. *[A.C.A. § 7-11-105(d)(4)(B)(i)]*

The county board may provide a separate ballot for any special election held at the general election, if determined necessary to avoid voter confusion. *[A.C.A. § 7-11-105(d)(4)(B)(ii)]*



## **RULES**

For a complete list of all of the State Board's rules please visit <http://www.arkansas.gov/sbec>

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**GUIDELINES FOR STATE-FUNDED COMPENSATION  
FOR  
COUNTY ELECTION COMMISSIONERS TRAINING**  
(Effective December 1, 2005; Revised July 15, 2015)



**STATE BOARD OF ELECTION COMMISSIONERS**  
501 Woodlane, Suite 401N  
Little Rock, Arkansas 72201  
(501) 682-1834  
(800) 411-6996  
Internet: [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec)  
Email: [INFO.SBEC@arkansas.gov](mailto:INFO.SBEC@arkansas.gov)

### **County Election Commissioner Compensation for Training Attendance**

Arkansas Code Annotated § 7-4-109 requires that each member of the county boards of election commissioners attend election training conducted by the State Board of Election Commissioners before each preferential primary election.

Each county election commissioner attending the training is eligible to receive \$100, plus mileage reimbursement at the rate established for state employees by state travel regulations

Election commissioner training compensation will be paid by the State Board to the County Treasurer upon receipt from the county of the attached reporting form approved and provided by the State Board to the county.

**FOR ADDITIONAL INFORMATION SEE  
THE STATE BOARD OF ELECTION COMMISSIONERS'  
RULES FOR COUNTY ELECTION COMMISSIONERS TRAINING**

**COUNTY ELECTION COMMISSIONERS TRAINING COMPENSATION  
REQUEST FORM**

**COUNTY:** \_\_\_\_\_

**COMPENSATION FOR ATTENDING COMMISSIONERS TRAINING  
CONDUCTED BY THE  
STATE BOARD OF ELECTION COMMISSIONERS**

NAMES OF COMMISSIONERS	DATE ATTENDED TRAINING	Flat Rate of \$100.00	MILEAGE (if applicable)			TOTAL COMPENSATION
			# of Miles (Roundtrip)	Rate \$0.42	Mileage Expense	
1:		\$100.00		\$0.42		
2:		\$100.00		\$0.42		
3:		\$100.00		\$0.42		
<b>TOTAL</b>						

Signature of Person Completing Form: \_\_\_\_\_

**RETURN TO:**  
State Board of Election Commissioners  
501 Woodlane, Suite 401N  
Little Rock, AR 72201  
501-682-1834 800-411-6996

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**GUIDELINES FOR STATE-FUNDED COMPENSATION  
FOR  
STATE BOARD-CERTIFIED TRAINERS**  
(Effective December 1, 2005; Revised July 15, 2015)



**STATE BOARD OF ELECTION COMMISSIONERS**  
501 Woodlane, Suite 401N  
Little Rock, Arkansas 72201  
(501) 682-1834  
(800) 411-6996  
Internet: [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec)  
Email: [INFO.SBEC@arkansas.gov](mailto:INFO.SBEC@arkansas.gov)

### **State Board-Certified Trainer Compensation**

Each county board of election commissioners must designate two (2) qualified electors of the county to attend training conducted by the State Board of Election Commissioners for the purpose of being certified by the State Board as poll worker trainers for the county.

Upon successful completion of training and certification by the State Board, a maximum of two (2) certified trainers per county are eligible to receive \$100 each, plus mileage reimbursement at the rate established for state employees by state travel regulations.

### **Compensation for State Board-Certified Trainers Conducting Training in the County**

Arkansas Code Annotated § 7-4-109 requires that all poll workers must attend election training conducted locally by State Board-certified trainers and coordinated by the State Board.

The two (2) certified trainers per county are eligible to receive an additional \$50 each per training session up to a maximum of two (2) sessions each for conducting poll worker training locally before the preferential primary election.

Requests for additional certified trainers sessions must be made in writing and must describe the facts and circumstances that make the additional trainers necessary.

Certified trainers' compensation will be paid by the State Board to the County Treasurer upon receipt of the attached reporting form approved and provided by the State Board to the county.

**FOR ADDITIONAL INFORMATION SEE  
THE STATE BOARD OF ELECTION COMMISSIONERS'  
RULES FOR COUNTY ELECTION COMMISSIONERS TRAINING**



**STATE BOARD-CERTIFIED TRAINERS COMPENSATION  
REQUEST FORM**

**COUNTY:** \_\_\_\_\_

**COMPENSATION FOR ATTENDING AND CONDUCTING TRAINING**

NAMES OF STATE BOARD- CERTIFIED TRAINERS	DATE ATTENDED TRAINING BY STATE BOARD	DATES CONDUCTED POLL WORKER TRAINING LOCALLY	COMPENSATION FOR ATTENDING TRAINING CONDUCTED BY THE STATE BOARD OF ELECTION COMMISSIONERS				COMPENSATION FOR CONDUCTING POLL WORKERS TRAINING LOCALLY		
			Flat Rate of \$100.00	MILEAGE		Rate \$0.42	# of Sessions Conducted*	Flat Rate of \$50.00	Due
				# of Miles (Roundtrip)	Mileage Due				
Trainer 1:			\$100.00			\$0.42		\$50.00	
Trainer 2:			\$100.00			\$0.42		\$50.00	
<b>Total</b>									

\* Maximum of two (2) local poll worker training sessions per trainer per county

Signature of Person Completing Form : \_\_\_\_\_

**RETURN TO:**  
State Board of Election Commissioners  
501 Woodlane, Suite 401N  
Little Rock, AR 72201  
501-682-1834 800-411-6996

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**GUIDELINES  
FOR  
BALLOT  
NAME CERTIFICATION**

(Effective March 31, 2000; Revised August 20, 2013; Revised August 18, 2019)



**STATE BOARD OF ELECTION COMMISSIONERS**

**501 Woodlane, Suite 401N  
Little Rock, Arkansas 72201  
(501) 682-1834  
(800) 411-6996**

**Internet: [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec)  
Email: [INFO.SBEC@sos.arkansas.gov](mailto:INFO.SBEC@sos.arkansas.gov)**

## **GUIDELINES FOR BALLOT NAME CERTIFICATION**

The following guidelines have been developed by the office of the State Board of Election Commissioners for the purpose of certifying the names and titles proposed to be used by candidates filing for office.

### **Arkansas Code Annotated § 7-7-305. Printing of ballots - Form.**

(c)(1)(A) "A person who shall file for any elective office in this state may use not more than three (3) given names, one (1) of which may be a nickname or any other word used for the purpose of identifying the person to the voters, and may add as a prefix to his or her name the title or an abbreviation of an elective public office the person currently holds.

(B) A person may only use as the prefix the title of a nonpartisan judicial office only if:

(i) The person is currently serving in a nonpartisan judicial office to which the person has been elected in the last election for the office; or

(ii) The person:

(a) Is a candidate for the office of circuit judge or district judge;

(b) Is currently serving in the office of circuit judge or district judge as an appointee; and

(c) Has been serving in that position for at least twelve (12) months.

(2) The person filing for office shall include his or her surname in addition to any given names permitted under subdivision (c)(1)(A) of this section.

(C) A nickname shall not include a professional or honorary title.

(3) The names and titles as proposed to be used by each candidate on the political practice pledge or, if the political practice pledge is not filed by the filing deadline, then the names and titles that appear on the party certificate shall be reviewed no later than one (1) business day after the filing deadline by the Secretary of State for state and district offices and by the county board of election commissioners for county, township, school, and municipal offices.

(4)(A) The name of every candidate shall be printed on the ballot in the form as certified by either the Secretary of State or the county board of election commissioners.

(B) However, the county board of election commissioners may substitute an abbreviated title if the ballot lacks space for the title requested by a candidate.

(C) The county board of election commissioners shall immediately notify a candidate whose requested title is abbreviated by the county board of election commissioners.

(5) A candidate shall not be permitted to change the form in which his or her name will be printed on the ballot after the deadline for filing the political practices pledge."

### **Definition of "name" as referenced in Black's Law Dictionary:**

"A person's 'name' consists of one or more Christian or given names and one surname or family name. It is the distinctive characterization in words by which one is known and distinguished from others, and description, or abbreviation, is not the equivalent of a 'name'."

**A candidate is permitted to use:**

- **A maximum of three (3) "given" names**
  - 1) One name may be a nickname, but not a professional or honorary title
  - 2) A "middle" name shall be considered a "given" name
- **Initials**

Initials are not considered "given" names and, therefore, **not** counted in the maximum of three (3) "given" names
- **Surname or Last name**

Surnames or last names are not considered "given" names and, therefore, **not** counted in the maximum of three (3) "given" names
- **A Suffix**

Suffixes (Jr., Sr., I, II, III) are not considered "given" names and, therefore, **not** counted in the maximum of three (3) "given" names
- **A Prefix**

The title or an abbreviation of the title of an elective public office **currently held**, for instance

  - 1) County Judge or Co. Judge

**A candidate is not permitted to use:**

- **Professional or honorary titles**

Professional or honorary titles (Ph.D., CPA, MD., Doctor, Dr., Reverend, Rev., Chief of Police, General, Lieutenant, Sergeant) are **not** acceptable

The county election commission must review the names and titles proposed to be used by each county, township, school, and municipal candidate for compliance with the statutory requirements of Arkansas Code Annotated § 7-7-305. The election commission must make a final determination on the form in which the candidate's name will appear on the ballot no later than one business day after the filing deadline.

For those candidates whose proposed name and title on the political practices pledge do **not** comply with the statutory requirements, the candidate should be contacted and offered the option to file a revised political practices pledge form.

A candidate is not permitted to change the form in which his or her name will be printed on the ballot after the deadline for filing the political practices pledge.

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## Advisory Standards 2015-001 and 2015-002

The following advisory standards have been approved by the Arkansas State Board of Election Commissioners in an effort to ensure compliance with state laws regarding the secrecy of a voter's ballot.

**Findings:** Amendment 50 §2 of the Arkansas State Constitution provides that all elections by the people shall be by ballot or voting machines which ensure the secrecy of individual votes. The election code implements this constitutional protection by requiring that:

- Voting booths be provided where paper ballots are used [A.C.A. §7-5-310(a)(2)];
- Voting machines be placed so that no person can see or determine how the voter votes [A.C.A. §7-5-521(b)]; and
- A 6 foot privacy zone around voting booths be observed. [A.C.A. § 7-5-310(a)(2)(C)]

These rules apply equally during early voting and on election day, according to A.C.A. § 7-5-418(e) and (f) and the people of Arkansas have a reasonable expectation that these election laws are followed and strictly construed.

**Advisory Standard 2015-001:** All voting locations in this state must allow any voter to personally and secretly cast his ballot. If voting by paper ballot, voting booths must be provided. Although a voter may waive his/her right to privately cast a ballot, a sufficient number of voting booths should be made available to accommodate every voter who presents himself to vote. When selecting voting locations, county clerks and county election commissioners must select locations that adequately comply with these requirements.

**Advisory Standard 2015-002:** If voting by machine, the machines must be arranged to ensure that a voter's ballot remains secret at all times. Therefore, the following standards shall be met:

- Voting machines must be spaced at least 6 feet apart from the next machine.
- Voting machine screens must not face or be visible by other voters within the voting location.
- The arrangement of the voting location must not allow voters to see the ballot portion of a voting machine at any time. This includes lines, other wait areas for voters, and entrances and exits to the voting location itself.
- If a violation of one of these requirements is brought to the attention of an election official, the State Board of Election Commissioners expects the election officials to take all reasonable steps to ensure compliance with secret ballot and privacy requirements.

# COMMISSION CHECKLIST FOR COMBINED MARCH PREFERENTIAL PRIMARY, NONPARTISAN GENERAL ELECTIONS, AND ANNUAL SCHOOL ELECTION\*

(\*if the School Election is held in conjunction with Preferential Primary)

(Effective May 18, 2004; Revised November 2017)

This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to the Preferential Primary and Nonpartisan General Elections.

1. \_\_\_\_ Conducted a public meeting to determine, by lot, the order in which the names of candidates would appear on the ballots
  - a) \_\_\_\_ by the deadline of **not later than eighty-nine (89) days before the election** [*§7-7-305(b) as amended by Act 545 of 2019*]
  - b) \_\_\_\_ provided **at least ten (10) days** written notice to the chairs of the county committees, if the chairs are not members of the board
  - c) \_\_\_\_ published notice of the meeting **at least three (3) days before the meeting** in some newspaper of general circulation in the county [*§7-7-305(b)*]
  - d) \_\_\_\_ ensure a list of all candidates and issues from school districts domiciled outside the county have been submitted by the county clerk of the county in which the district is domiciled\*
2. \_\_\_\_ **If applicable**, altered the boundaries of existing election precincts and established new ones by order
  - a) \_\_\_\_ **at least sixty (60) days before the election**
  - b) \_\_\_\_ recorded the board's order with the county clerk [*§7-5-101(c)(1)*] in order for the county clerk to submit written, printed, and digital copies of the changes to the Secretary of State and the Arkansas Geographical Information Systems Office [*§7-5-101(c)(1)*]
3. \_\_\_\_ Ensured that all polling sites are the same as those established for the preceding general election or, **if applicable**, designated any new polling site(s) **at least thirty (30) days before the election** in a public meeting by unanimous vote of the members present [*§7-5-101(d)*]
  - a) \_\_\_\_ posted notice of any changes in polling sites at all previous polling sites used in the last election [*§7-5-101(d)(3)*]
  - b) \_\_\_\_ established common polling sites for the joint conduct of the election [*§7-7-202(d)*]
  - c) \_\_\_\_ provided polls accessible to voters with disabilities [*§7-5-311(a)*]
4. \_\_\_\_ **If applicable**, conducted early voting at additional polling sites outside the county clerk's office [*§7-5-418(b)(1)(A)*]
  - a) \_\_\_\_ determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [*§7-5-418(b)(1)(B)*]
  - b) \_\_\_\_ notified the county clerk of the board's decision **within ten (10) days of its decision** [*§7-5-418(b)(3)(A)*]
5. \_\_\_\_ Provided regular absentee ballots [*§7-5-211(c)*] and, where applicable, "special absentee runoff ballots" [*§7-5-406(c)*]



- a) \_\_\_\_\_ delivered the ballots to the county clerk **at least forty-seven (47) days before the election** [§7-5-407(a)(1)]
6. \_\_\_\_\_ Prepared paper ballots and voting machine ballot styles as provided by law [§§ 7-3-104, 7-5-207, 7-5-208, 7-5-406, 7-5-601, 7-5-610, 7-7-304, 7-7-305, 7-7-306, 7-8-302, and 7-10-102]
- a) \_\_\_\_\_ certified the printed ballots and voting machine ballot styles before delivery to the county clerk prior to the start of absentee voting [§7-5-512(a)]
7. \_\_\_\_\_ Prepared voting machines upon the proper certification of candidates and questions [§7-5-515(a)]
- a) \_\_\_\_\_ published notice of the time and place of the voting machine preparation [§7-5-516]
8. \_\_\_\_\_ Tested and secured voting systems:
- a) \_\_\_\_\_ conducted logic and accuracy (L&A) testing of voting machines and electronic vote tabulating devices as soon as the election media was prepared and **no later than seven (7) days prior to the start of early voting** [§§7-5-515(c)(1); 7-5-611(a)(2)]
- b) \_\_\_\_\_ conducted public testing of voting machines and electronic vote tabulating devices in addition to L&A testing [§§ 7-5-611(b)]
- 1.) \_\_\_\_\_ gave public notice of the time and place of the public test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or devices **at least forty-eight (48) hours before testing** [§7-5-611(b)(1)]
- c) \_\_\_\_\_ ensured that paper ballot systems that include electronic vote tabulating device(s) were programmed to reject overvoted ballots [§7-5-604(a)(5)(B), (6)(B)]
- d) \_\_\_\_\_ certified the accuracy of the voting system by filing the test results with the county clerk and sending a copy of the electronic results to the Secretary of State [§§ 7-5-515(e); 7-5-611(c)]
- e) \_\_\_\_\_ after preparation, testing, and examination, secured the voting machines against further voting [§7-5-517(a)]
- f) \_\_\_\_\_ placed voting machine activation devices in a sealed package labeled with the serial number of the voting machine, the precinct location of the voting machine and the number registered on the protective counter [§7-5-517(b)]
- g) \_\_\_\_\_ certified by machine serial number, the number registered on the protective counter of each voting machine and that all contest counters registered ZERO in the presence of the candidates or their representative, if in attendance [§7-5-517(c)]
- h) \_\_\_\_\_ secured voting machine activation devices until released for delivery to poll workers [§7-5-517(d)]
9. \_\_\_\_\_ Designated suitable times and places where voting machines will be exhibited for purpose of instruction
- a) \_\_\_\_\_ published notice of voting machine demonstration in newspaper at least **forty-eight (48) hours before** first demonstration [§7-5-509]
10. \_\_\_\_\_ Appoint election officials **at least twenty (20) days before the election** [§7-4-107(b)(1)]
- a) \_\_\_\_\_ selected and appointed a sufficient number of poll workers for each polling site (a minimum of two (2) election clerks, one (1) election judge, and one (1) election sheriff) [§§7-4-107(b), (2); 7-7-302]
- b) \_\_\_\_\_ selected and appointed minority party poll worker(s) for each poll as provided by law [§7-4-107(b)(2)]
- c) \_\_\_\_\_ **if applicable**, appointed poll workers to adequately staff additional off-site early

- voting polling sites under the election commission's supervision [§7-5-418(b)(2)]
- d)\_\_\_\_ appointed absentee election clerks to process, count, and canvass absentee ballots [§7-5-414(a)]
- e)\_\_\_\_ confirmed that all poll workers have attended poll worker training [§7-4-107(b)(2)]
11. \_\_\_\_ Published in a newspaper of general circulation in the county public notice of: the date of the election; the places and times for early voting; hours of voting on election day; polling sites, candidates and offices to be elected; the time and location of opening, processing, canvassing, and counting ballots; the time and location of opening, processing, canvassing, and counting early and absentee ballots; the location and date available of the list of appointed election officials and directions for filing an objection to the service of an elected official.
- a)\_\_\_\_ by the deadline of **at least twenty (20) days before the election** [§§7-5-202(a); 7-5-416]
- b)\_\_\_\_ published a second publication **at least five (5) days before the election** [§§7-5-202(b); 7-5-416]
12. \_\_\_\_ Delivered at least one (1) voting machine equipped for use by individuals with disabilities to the county clerk's designated early voting location and all off-site early voting polling locations **prior to the start of early voting** [§§7-5-413(a)(1); 7-5-418(a)(1)(A)]
13. \_\_\_\_ Posted in a public place in the county clerk's office, the list of appointed election officials, including the names of election commissioners **at least fifteen (15) days before election day**. County Clerks must post a list of appointed election officials who will conduct early voting **at least fifteen (15) days before early voting**. [§7-5-202(b)(2)].
14. \_\_\_\_ If using paper ballots to be counted by hand or at a central counting location, developed a voter education program to inform voters about the consequences of overvoting and how to correct the ballot containing an overvote [§7-5-604(a)(5)(C), (6)(C)]
15. \_\_\_\_ **At least one (1) day before the election**, delivered ballots and supplies to persons designated by the commission to deliver to poll workers [§7-5-211(a)]
- a)\_\_\_\_ provided sufficient quantities of ballots, voting booths, and voting machines for each polling site [§§7-5-310; 7-5-512(c); 7-5-602]
- b)\_\_\_\_ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d)], including a poll workers' certificate to use on election day to record the exact time and number of votes shown on the public counters and to attest that voting machines were made inaccessible to voting at the official time for closing the polls and upon terminating of the voting by removing the activation devices [§7-5-526]
16. \_\_\_\_ Began opening, processing and canvassing absentee ballots no earlier than the Tuesday before the election. And began counting absentee ballots **no earlier than 8:30 a.m.** on election day [§7-5-416]
17. \_\_\_\_ Received all election materials and returns from the poll workers **immediately after the polls closed** including one (1) copy of the certificate of election results and, if any, one (1) copy of tally sheets, and any reports of challenges to votes, if any [§7-5-317(b)]
- a)\_\_\_\_ provided poll workers with a receipt for delivery of the sealed package containing the voting machine activation devices and certified return records [§7-5-527(e)]

- b)\_\_\_\_ ensure that election returns relating to the Annual School Election of a school district that is not domiciled in your county are filed with the county clerk of the county in which the district is domiciled
18. \_\_\_\_ Reported the initial count of early and absentee votes to the Secretary of State as soon as practical after the polls closed [§ 7-5-416(a)(5)(B)]
19. \_\_\_\_ Declared preliminary and unofficial results of the election (including a statement of the number of outstanding absentee ballots of overseas voters) **immediately after the count of the votes was completed** on election day and reported the results of all elections in the county to the county clerk for immediate transmission to the Secretary of State via the internet website provided by the Secretary of State [§7-5-701(a)]
20. \_\_\_\_ Before certification of the results of the election
- a)\_\_\_\_ reviewed and determined the validity of all provisional ballots [§§ 7-5-308(a), (e); 7-5-417(c); 7-7-308(a)]
  - b)\_\_\_\_ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [§7-5-308(d)(2), Rule 906 on Poll Watchers, Vote Challenges, and Provisional Voting]
  - c)\_\_\_\_ counted all overseas absentee ballots that were properly executed and received by the county clerk by **5:00 p.m. ten (10) calendar days after the election REGARDLESS** of whether they would change the outcome of the election [§7-5-411(a)(1)(B)]
  - d)\_\_\_\_ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled totals from the polling locations' certified return records [§7-5-529]
  - e)\_\_\_\_ produced an audit log for each voting machine used in the election [§7-5-530(a)]
21. \_\_\_\_ Certified the official election results via the internet to the Secretary of State by the deadline of **no earlier than forty-eight (48) hours and no later than the tenth day after the election** [§§7-5-707(a); 7-7-203(e)(1); 7-7-309]
22. \_\_\_\_ Mailed to the Secretary of State certified copies of the abstract of the returns of the election
- a)\_\_\_\_ by the deadline of **no earlier than forty-eight (48) hours and no later than the tenth day after the election** [§§7-7-203(e)(1); 7-7-309; 7-5-701(c)(1)]
  - b)\_\_\_\_ filed a certificate detailing the result of the election with the county clerk [§7-5-701(b)]
23. \_\_\_\_ After certification
- a)\_\_\_\_ secured audit logs and voter-verified paper audit trails to remain secure for two (2) years [§7-5-531]
  - b)\_\_\_\_ secured all voting machines (voting machines to remain secured for at least three (3) days following election unless otherwise ordered [§7-5-531]
  - c)\_\_\_\_ cleared the voting machines for future elections [§7-5-531]
  - d)\_\_\_\_ preserved all ballots, certificates, and election materials for 2 years [§§7-5-531; 7-5-702]
24. \_\_\_\_ RECOUNT (if applicable)
- a)\_\_\_\_ conducted a recount upon a motion of the county board of election commissioners [§7-5-319(b)]
  - b)\_\_\_\_ received a petition for recount from a candidate by the deadline of:
    - 1.\_\_\_\_ **no later than two (2) days after the county board declared**

**preliminary and unofficial results**, if the number of outstanding overseas absentee ballots was insufficient to change the results of the election [§7-5-319(a)(2)]

- 2.\_\_\_\_ **before the county board certified the results of the election**, if the number of outstanding overseas absentee ballots was sufficient to potentially change the results of the election [§7-5-319(a)(3)]
- c)\_\_\_\_ notified all candidates whose election could be affected by the outcome of the recount **within forty-eight (48) hours after receipt of the petition for recount** [§7-5-319(i)]
- d)\_\_\_\_ provided the candidate requesting the recount a copy of the test results on the voting machines and the electronic vote tabulating device(s) performed under A.C.A. §§ 7-5-515 and 7-5-611 [§7-5-319(b)]
- e)\_\_\_\_ Opened the package containing the paper ballots and recounted the paper ballots
  - 1.\_\_\_\_ in the same manner as the initial count unless the county board determines that the tabulating device may be malfunctioning [§7-5-319(d)]
  - 2.\_\_\_\_ if direct-recording electronic voting machines were used, recounted the ballots using the voter verified paper audit trail as the official ballot [§7-5-319(c)]
    - A.\_\_\_\_ manually added the total votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
    - B.\_\_\_\_ counted by hand the votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
    - C.\_\_\_\_ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR
    - D.\_\_\_\_ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement
  - 3.\_\_\_\_ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law [§§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702]
  - 4.\_\_\_\_ certified the results of the last recount [§7-5-319(b)]

# COMMISSION CHECKLIST FOR NOVEMBER GENERAL ELECTIONS AND ANNUAL SCHOOL ELECTION\*

(\*if the School Election is held in conjunction with the General Election)  
(Effective May 18, 2004; Revised November 2017)

This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to the General Election.

1. \_\_\_\_ Conducted a public meeting to determine, by lot, the order in which the names of candidates would appear on the ballots
  - a) \_\_\_\_ by the deadline of **not later than seventy-two (72) days before the election**
  - b) \_\_\_\_ published notice of the meeting **at least three (3) days before the meeting** in some newspaper of general circulation in the county [§7-5-207(c)]
  - c) \_\_\_\_ ensure a list of all candidates and issues from school districts domiciled outside the county have been submitted by the county clerk of the county in which the district is domiciled\*
2. \_\_\_\_ **If applicable**, altered the boundaries of existing election precincts and established new ones by order
  - a) \_\_\_\_ **at least sixty (60) days before the election**
  - b) \_\_\_\_ recorded the board's orders with the county clerk [§7-5-101] in order for the county clerk to submit written, printed, and digital copies of the map and boundaries to the Secretary of State and Arkansas Geographical Information Systems Office [§7-5-101(c)(1)]
3. \_\_\_\_ Ensured that all polling sites are the same as those established by the preceding general election or, **if applicable**, designated any new polling site(s) **at least thirty (30) days before the election** in a public meeting by unanimous vote of the members present [§7-5-101(d)]
  - a) \_\_\_\_ posted notice of any changes in polling sites at all previous polling sites used in the last election [§7-5-101(d)(3)]
  - b) \_\_\_\_ provided polls accessible to voters with disabilities [§7-5-311(a)]
4. \_\_\_\_ **If applicable**, conducted early voting at additional polling sites outside the county clerk's office [§7-5-418(b)(1)(A)]
  - a) \_\_\_\_ determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [§7-5-418(b)(1)(B)]
  - b) \_\_\_\_ notified the county clerk of the board's decision **within ten (10) days of its decision** [§7-5-418(b)(3)(A)]
5. \_\_\_\_ Provided regular absentee ballots [§7-5-211(c)] and, where applicable, "special absentee runoff ballots" [§7-5-406(c)]
  - a) \_\_\_\_ delivered the ballots to the county clerk **at least forty-seven (47) days before the election** [§7-5-407(a)(1)]
6. \_\_\_\_ Prepared paper ballots and voting machine ballot styles as provided by law. [§§ 7-3-104, 7-5-207, 7-5-208, 7-5-406, 7-5-601, 7-5-610, 7-8-302, 7-9-117, 7-10-102, 14-14-917]
  - a) \_\_\_\_ certified the printed ballots and voting machine ballot styles before delivery to the county clerk prior to the start of absentee voting [§7-5-512(a)]
7. \_\_\_\_ Prepared voting machines upon the proper certification of candidates and questions [§7-5-515(a)]

- a)\_\_\_\_ published notice of the time and place of the voting machine preparation [§7-5-516]
8. \_\_\_\_ Tested and secured voting systems:
- a)\_\_\_\_ conducted logic and accuracy (L&A) testing of voting machines and electronic vote tabulating devices **at least seven (7) days before early voting begins for the election** [§7-5-611(a)(2)]
  - b)\_\_\_\_ conducted public testing of voting machines and electronic vote tabulating devices in addition to L&A testing [§§7-5-515(c)(2)(A); 7-5-611(b)]
    - 1.\_\_\_\_ gave public notice of the time and place of the public test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or devices **at least forty-eight (48) hours before testing** [§ 7-5-611(b)(1)]
  - c)\_\_\_\_ ensured that paper ballot systems that include electronic vote tabulating device(s) were programmed to reject overvoted ballots [§7-5-604(a)(5)(B), (6)(B)]
  - d)\_\_\_\_ certified the accuracy of the voting system by filing the test results with the county clerk and sending a copy of the electronic results to the Secretary of State [§§7-5-515(e); 7-5-611(c)]
  - e)\_\_\_\_ after preparation, testing, and examination, secured the voting machines against further voting [§7-5-517(a)]
  - f)\_\_\_\_ placed voting machine activation devices in a sealed package labeled with the serial number of the voting machine, the precinct location of the voting machine and the number registered on the protective counter [§7-5-517(b)]
  - g)\_\_\_\_ certified, by machine serial number, the number registered on the protective counter of each voting machine and that all contest counters registered ZERO in the presence of the candidates or their representative, if in attendance [§7-5- 517(c)]
  - h)\_\_\_\_ secured voting machine activation devices until released for delivery to poll workers [§7-5-517(d)]
9. \_\_\_\_ Designated suitable times and places where voting machines will be exhibited for purpose of instruction
- a)\_\_\_\_ published notice of voting machine demonstration in newspaper at least **forty-eight (48) hours** before first date of demonstration [§7-5-509]
10. \_\_\_\_ Appoint election officials **at least twenty (20) days before the election** [§7-4-107(b)(1)]
- a)\_\_\_\_ selected and appointed a sufficient number of poll workers for each polling site (minimum of two (2) election clerks, one (1) election judge, and one (1) election sheriff) [§§7-4-107(b); 7-7-302]
  - b)\_\_\_\_ selected and appointed minority party poll worker(s) for each poll as provided by law [§7-4-107(b)(2)]
  - c)\_\_\_\_ **if applicable**, appointed poll workers to adequately staff additional off-site early voting polling sites under the election commission's supervision [§7-5-418(b)(2)]
  - d)\_\_\_\_ appointed absentee election clerks to process, count, and canvass absentee ballots [§7-5-414(a)]
  - e)\_\_\_\_ confirmed that all poll workers have attended poll worker training [§7-4-107(b)(2)]
11. \_\_\_\_ Published in a newspaper of general circulation in the county public notice of: the date of the election; the places and times for early voting; hours of voting on election day; polling sites, candidates and offices to be elected; the time and location of opening, processing, canvassing, and counting ballots; the time and location of opening, processing, canvassing, and counting early and absentee ballots; the location and date available of the list of appointed election officials and directions for filing an objection to the service of an elected official.

- a) \_\_\_\_\_ by the deadline of **at least twenty (20) days before the election**  
[§§7-5-202(a); 7-5-416]
  - b) \_\_\_\_\_ published a second publication **at least five (5) days before the election**  
[§§7-5-202(b); 7-5-416]
12. \_\_\_\_\_ Delivered at least one (1) voting machine equipped for use by individuals with disabilities to the county clerk's designated early voting location and all off-site early voting locations **prior to the start of early voting** [§§7-5-413(a)(1); 7-5-418(a)(1)(A)]
  13. \_\_\_\_\_ Posted in a public place in the county clerk's office, the list of appointed election officials, including the names of election commissioners **at least fifteen (15) days before election day**. County Clerks must post a list of appointed election officials who will conduct early voting **at least fifteen (15) days before early voting**. [§7-5-202(b)(2)].
  14. \_\_\_\_\_ Posted a list at the door of the courthouse of all nominations, proposed amendments to the constitution, and all questions to be submitted to the electors at the election **at least ten (10) days before the election** [§7-5-206]
  15. \_\_\_\_\_ If using paper ballots to be counted by hand or at a central counting location, developed a voter education program to inform voters about the consequences of overvoting and how to correct the ballot containing an overvote [§§7-5-604(a)(5)(C), (6)(C)]
  16. \_\_\_\_\_ **At least one (1) day before the election**, delivered ballots and supplies to persons designated by the commission to deliver to poll workers [§7-5-211(a)]
    - a) \_\_\_\_\_ provided sufficient quantities of ballots, voting booths, and voting machines for each polling site [§§7-5-310; 7-5-512(c); 7-5-602]
    - b) \_\_\_\_\_ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d); 7-9-114(b)], including a poll workers' certificate to use on election day to record the exact time and number of votes shown on the public counters and to attest that voting machines were made inaccessible to voting at the official time for closing the polls and upon terminating of the voting by removing the activation devices [§7-5-526]
  17. \_\_\_\_\_ Began opening the outer envelope, processing, and canvassing of absentee ballot paper work no earlier than the Tuesday before the election. Began counting absentee ballots **no earlier than 8:30 a.m.** on election day [§7-5-416]
  18. \_\_\_\_\_ Received all election materials and returns from the poll workers **immediately after the polls closed** including one (1) copy of the certificate of election results and, if any, one (1) copy of tally sheets, and any reports of challenges to votes, if any [§7-5-317(b)]
    - a) \_\_\_\_\_ provided poll workers with a receipt for delivery of the sealed package containing the voting machine activation devices and certified return records [§7-5-527(e)]
    - b) \_\_\_\_\_ ensure that election returns relating to the Annual School Election of a school district that is not domiciled in your county are filed with the county clerk of the county in which the district is domiciled
  19. \_\_\_\_\_ Reported the initial count of early and absentee votes to the Secretary of State as soon as practical after the polls closed [§7-5-416(a)(5)(B)]
  20. \_\_\_\_\_ Declared preliminary and unofficial results of the election (including a statement of

the number of outstanding absentee ballots of overseas voters) **immediately after the count of the votes was completed** on election day and reported the results of all elections in the county to the county clerk for immediate transmission to the Secretary of State via the internet website provided by the Secretary of State [§7-5-701(a)(3)]

21. \_\_\_\_ Before certification of the results of the election
- a) \_\_\_\_ reviewed and determined the validity of all provisional ballots [§§ 7-5-308(a), (e); 7-5-417(c)]
  - b) \_\_\_\_ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [§7-5-308(d)(2), Rule 906 on Poll Watchers, Vote Challenges, and Provisional Voting]
  - c) \_\_\_\_ counted all overseas absentee ballots that were properly executed and received by the county clerk by **5:00 p.m. ten (10) calendar days after the election REGARDLESS** of whether they would change the outcome of the election [§7-5-411(a)(1)(B)]
  - d) \_\_\_\_ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled countywide totals from the polling locations' certified return records [§7-5-529]
  - e) \_\_\_\_ produced an audit log for each voting machine used in the election [§7-5-530(a)]
22. \_\_\_\_ Certified the official election results via the internet to the Secretary of State and by mail to the county clerk by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§§7-5-701(a)(1); 7-5-707(a)]
23. \_\_\_\_ Mailed to the Secretary of State certified copies of the abstract of the returns of the election for members of Congress, all executive, legislative and officers and of all votes cast on any measure
- a) \_\_\_\_ by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§§7-5-701(c)(1); 7-9-119(b)]
  - b) \_\_\_\_ filed a certificate detailing the result of the election with the county clerk [§7-5-701(b)]
24. \_\_\_\_ After certification
- a) \_\_\_\_ cleared the voting machines for future elections
  - b) \_\_\_\_ secured, audit logs and voter-verified paper audit trails to **remain secure for two (2) years** [§7-5-531]
  - c) \_\_\_\_ secured all voting machines (voting machines to **remain secured for at least three (3) days** following election unless otherwise ordered) [§7-5-531]
  - d) \_\_\_\_ cleared the voting machines for future elections [§7-5-531]
  - e) \_\_\_\_ preserved all ballots, certificates, and election materials for at least 2 years. [§§7-5-531; 7-5-702]
25. \_\_\_\_ Delivered a certificate of election **within nineteen (19) days after the election** to the person having the highest number of legal votes for any county office [§7-5-701(a)(4)]
26. \_\_\_\_ RECOUNT (if applicable)
- a) \_\_\_\_ Conducted a recount upon a motion of the county board of election commissioners [§7-5-319(b)]
  - b) \_\_\_\_ Received a petition for recount from a candidate by the deadline of:
    - 1. \_\_\_\_ **no later than two (2) days after the county board declared**



**preliminary and unofficial results**, if the number of outstanding overseas absentee ballots was insufficient to change the results of the election [§7-5-319(a)(2)]

2. \_\_\_\_ **before the county board certified the results of the election**, if the number of outstanding overseas absentee ballots was sufficient to potentially change the results of the election [§7-5-319(a)(3)]
- c) \_\_\_\_ notified all candidates whose election could be affected by the outcome of the recount **within forty-eight (48) hours after receipt of the petition for recount** [§7-5-319(i)]
- d) \_\_\_\_ provided the candidate requesting the recount a copy of the test results on the voting machines and the electronic vote tabulating device(s) performed under A.C.A. §§ 7-5-515 and 7-5-611 [§7-5-319(b)]
- e) \_\_\_\_ Opened the package containing the paper ballots and recounted the paper ballots
  1. \_\_\_\_ in the same manner as the initial count unless the county board determines that the tabulating device may be malfunctioning [§7-5-319(d)]
  2. \_\_\_\_ if direct-recording electronic voting machines were used, recounted the ballots using the VVPAT as the official ballot [§7-5-319(c)]
    - A. \_\_\_\_ manually added the total votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
    - B. \_\_\_\_ counted by hand the votes for each candidate involved in the recount from the voter-verified paper audit trail, OR
    - C. \_\_\_\_ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR
    - D. \_\_\_\_ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement
  3. \_\_\_\_ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law [§§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702]
  4. \_\_\_\_ certified the results of the last recount [§7-5-319(b)]

# COMMISSION CHECKLIST FOR STATEWIDE SPECIAL ELECTIONS

(Effective May 18, 2004; Revised November 2017)

This checklist is provided by the State Board of Election Commissioners as a tool for capturing and maintaining relevant data pertaining to a statewide special election.

1. \_\_\_\_ Published the proclamation calling for the statewide special election as soon as practicable in a newspaper of general circulation in the county [§7-11-202(b)]
2. \_\_\_\_ **If applicable**, altered the boundaries of existing election precincts and established new ones by order
  - a) \_\_\_\_ **at least sixty (60) days before the election**
  - b) \_\_\_\_ recorded the board's order with the county clerk [§7-5-101] in order for the county clerk to submit written, printed, and digital copies of the map and boundaries to the Secretary of State and Arkansas Geographical Information Systems Office [§7-5-101(c)(1)]
3. \_\_\_\_ Ensured that all polling sites are the same as those established for the preceding general election or, **if applicable**, designated any new polling site(s) **at least thirty (30) days before the election** in a public meeting by unanimous vote [§7-5-101]
  - a) \_\_\_\_ posted notice of any changes in polling sites at all previous polling sites used in the last election [§7-5-101(d)(3)]
  - b) \_\_\_\_ provided polls accessible to voters with disabilities [§7-5-311(a)]
4. \_\_\_\_ **If applicable**, conducted early voting at additional polling sites outside the county clerk's office [§7-5-418(b)(1)(A)]
  - a) \_\_\_\_ determined, in a public meeting by unanimous vote, the location(s) of additional off-site early voting polling sites [§7-5-418(b)(1)(B)]
  - b) \_\_\_\_ notified the county clerk of the board's decision **within ten (10) days of its decision** [§7-5-418(b)(3)(A)]
5. \_\_\_\_ Provided absentee ballots
  - a) \_\_\_\_ delivered the ballots to the county clerk **at least forty-seven (47) days before the election** [§§7-5-211(c); 7-5-407(a)]
6. \_\_\_\_ Prepared paper ballots and voting machine ballot styles as provided by law [§§ 7-5-208, 7-5-601, and 7-11-205]
  - a) \_\_\_\_ certified the printed ballots and voting machine ballot styles before delivery to the county clerk prior to the start of absentee voting [§7-5-512(a)]
7. \_\_\_\_ Prepared voting machines upon the proper certification of the questions [§7-5-515(a)]
  - a) \_\_\_\_ published notice of the time and place of the voting machine preparation [§7-5-516]
8. \_\_\_\_ Tested and secured voting systems:
  - a) \_\_\_\_ conducted logic and accuracy (L&A) testing of voting machines and electronic vote tabulating devices as soon as the election media was prepared and no later than **seven (7) days prior to the start of early voting** [§§7-5-515(c)(1); 7-5-611(a)(2)]
  - b) \_\_\_\_ conducted public testing of voting machines and electronic vote tabulating devices in addition to L&A testing [§ 7-5-611(b)]

1. \_\_\_\_ gave public notice of the time and place of the test by publication in a daily or weekly newspaper in the town, city, or county using the voting machines or devices **at least forty-eight (48) hours before testing** [§§ 7-5-515(c)(2); 7-5-611(b)(1)]
  - c) \_\_\_\_ ensured that paper ballot systems that include electronic vote tabulating device(s) were programmed to reject overvoted ballots [§7-5-604(a)(5)(B), (6)(B)]
  - d) \_\_\_\_ certified the accuracy of the voting system by filing the test results with the county clerk and sending a copy of the electronic results to the Secretary of State [§§7-5-515(e); 7-5-611(c)]
  - e) \_\_\_\_ after preparation, testing, and examination, secured the voting machines against further voting [§7-5-517(a)]
  - f) \_\_\_\_ placed voting machine activation devices in a sealed package labeled with the serial number of the voting machine, the precinct location of the voting machine and the number registered on the protective counter [§7-5-517(b)]
  - g) \_\_\_\_ certified, by machine serial number, the number registered on the protective counter of each voting machine and that all contest counters registered ZERO in the presence of the candidates or their representative, if in attendance [§7-5-517(c)]
  - h) \_\_\_\_ secured voting machine activation devices until released for delivery to poll workers [§7-5-517(d)]
9. \_\_\_\_ Designated suitable times and places where voting machines will be exhibited for purpose of instruction
  - a) \_\_\_\_ published notice of voting machine demonstration in newspaper at least **forty-eight (48) hours before** first demonstration [§7-5-509]
10. \_\_\_\_ Appoint election officials **at least twenty (20) days before the election** [§7-4-107(b)(1)]
  - a) \_\_\_\_ selected and appointed a sufficient number of poll workers for each polling site (a minimum of two (2) election clerks, one (1) election judge, and one (1) election sheriff) [§7-4-107(b)(2)]
  - b) \_\_\_\_ selected and appointed minority party poll worker(s) for each poll as provided by law [§7-4-107(b)(2)]
  - c) \_\_\_\_ **if applicable**, appointed poll workers to adequately staff additional off-site early voting polling sites under the election commission's supervision [§7-5-418(b)(2)]
  - d) \_\_\_\_ appointed absentee election clerks to process, count, and canvass absentee ballots [§7-5-414(a)]
  - e) \_\_\_\_ confirmed that all poll workers have attended poll worker training [§7-4-107(b)(2)]
11. \_\_\_\_ Published in a newspaper of general circulation in the county public notice of: the date of the election; the places and times for early voting; hours of voting on election day; polling sites, candidates and offices to be elected; the time and location of opening, processing, canvassing, and counting ballots; the time and location of opening, processing, canvassing, and counting early and absentee ballots; the location and date available of the list of appointed election officials and directions for filing an objection to the service of an elected official.
  - a) \_\_\_\_ by the deadline of **at least ten (10) days before the election** [§§7-5-202(a); 7-5-416; 7-11-303]
  - b) \_\_\_\_ published a second publication **at least five (5) days before the election** [§§7-5-202(b); 7-5-416; 7-11-303]
12. \_\_\_\_ Delivered at least one (1) voting machine equipped for use by individuals with

disabilities to the county clerk's designated early voting location and all off-site early voting polling locations **prior to the start of early voting** [§§7-5-413(a)(1); 7-5-418(a)(2)]

13. \_\_\_\_ Posted in a public place in the county clerk's office, the list of appointed election officials, including the names of election commissioners **at least fifteen (15) days before election day**. County Clerks must post a list of appointed election officials who will conduct early voting **at least fifteen (15) days before early voting**. [§7-5-202(b)(2)].
14. \_\_\_\_ Posted a list at the door of the courthouse of all measures and questions to be submitted to the electors at the election **at least ten (10) days before the election** [§§7-5-206; 7-11-303]
15. \_\_\_\_ If using paper ballots to be counted by hand or at a central counting location, developed a voter education program to inform voters about the consequences of overvoting and how to correct the ballot containing an overvote [§7-5-604(a)(5)(C), (6)(C)]
16. \_\_\_\_ **At least one (1) day before the election**, delivered ballots and supplies to persons designated by the commission to deliver to poll workers [§7-5-211(a)]
  - a) \_\_\_\_ provided sufficient quantities of ballots, voting booths, and voting machines for each polling site [§§7-5-310; 7-5-512(c); 7-5-602]
  - b) \_\_\_\_ provided all required supplies, forms, and postings [§§7-5-211(a)(2); 7-5-512(b),(d); 7-9-114(b)], including a poll workers' certificate to use on election day to record the exact time and number of votes shown on the public counters and to attest that voting machines were made inaccessible to voting at the official time for closing the polls and upon terminating of the voting by removing the activation devices [§7-5-526]
17. \_\_\_\_ Began opening the outer envelope, processing, and canvassing of absentee ballot paper work no earlier than the Tuesday before the election. Began counting absentee ballots **no earlier than 8:30 a.m.** on election day [§7-5-416]
18. \_\_\_\_ Received all election materials and returns from the poll workers **immediately after the polls closed** including one (1) copy of the certificate of election results and, if any, one (1) copy of tally sheets, and any reports of challenges to votes, if any [§7-5-317(b)]
  - a) \_\_\_\_ provided poll workers with a receipt for delivery of the sealed package containing the voting machine activation devices and certified return records [§7- 5-527(e)]
19. \_\_\_\_ Reported the initial count of early and absentee votes to the Secretary of State as soon as practical after the polls closed [§ 7-5-416(a)(5)(B)]
20. \_\_\_\_ Declared preliminary and unofficial results of the election (including a statement of the number of outstanding absentee ballots of overseas voters) **immediately after the count of the votes was completed** on election day and reported the results to the county clerk for immediate transmission to the Secretary of State via the internet website provided by the Secretary of State [§7-5-701(a)(3)]
21. \_\_\_\_ Before certification of the results of the election
  - a) \_\_\_\_ reviewed and determined the validity of all provisional ballots [§§ 7-5-308(a), (e); 7-5-417(c)]
  - b) \_\_\_\_ mailed first class notice to all provisional voters telling them whether their vote was counted, and, if not counted, the reason not counted [§7-5-308(d)(2), Rule 906 on Poll Watchers, Vote Challenges, and Provisional Voting]

- c)\_\_\_\_ counted all overseas absentee ballots that were properly executed and received by the county clerk **by 5:00 p.m. ten (10) calendar days after the election REGARDLESS** of whether they would change the outcome of the election  
[§7-5-411(a)(1)(B)]
  - d)\_\_\_\_ compiled electronic countywide totals from the activation pack or device from each voting machine used to collect votes and verified that they matched manually compiled countywide totals from the polling locations' certified return records [§7-5-529]
  - e)\_\_\_\_ produced an audit log for each voting machine used in the election [§7-5-530(a)]
22. \_\_\_\_ Certified the official election results via the internet to the Secretary of State by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§§7-5-701(a)(1); 7-5-707(a)]
23. \_\_\_\_ Mailed to the Secretary of State certified copies of the abstract of the returns of the Election
- a)\_\_\_\_ by the deadline of **no earlier than forty-eight (48) hours and no later than the fifteenth day after the election** [§7-9-119(b)]
  - b)\_\_\_\_ filed a certificate detailing the result of the election with the county clerk [§7-5-701(b)]
24. \_\_\_\_ After certification
- a)\_\_\_\_ secured audit logs and voter-verified paper audit trails to **remain secure for two (2) years** [§7-5-531(a)]
  - b)\_\_\_\_ secured all voting machines (voting machines to **remain secured for at least three (3) days** following election unless otherwise ordered [§7-5-531(b)(1)]
  - c)\_\_\_\_ cleared the voting machines for future elections [§7-5-531(b)(2)]
  - d)\_\_\_\_ preserved all ballots, certificates, and election materials [§§ 7-5-531 and 7-5-702]
25. \_\_\_\_ **RECOUNT (if applicable)**
- a)\_\_\_\_ Conducted a recount upon a motion of the county board of election commissioners [§7-5-319(b)]
  - b)\_\_\_\_ Opened the package containing the paper ballots and recounted the paper ballots
    - 1.\_\_\_\_ in the same manner as the initial count unless the county board determines that the tabulating device may be malfunctioning [§7-5-319(d)]
    - 2.\_\_\_\_ if direct-recording electronic voting machines were used, recounted the ballots using the voter verified paper audit trail as the official ballot [§7-5-319(c)]
      - A.\_\_\_\_ manually added the total votes for each issue involved in recount from the voter-verified paper audit trail, OR
      - B.\_\_\_\_ counted by hand the votes for each issue involved in the recount from the voter-verified paper audit trail, OR
      - C.\_\_\_\_ used the paper record produced by the machine for manual audit due to a damaged voter-verified paper audit trail, OR
      - D.\_\_\_\_ used the paper record produced by the machine for manual audit, as the machine is exempt from the voter-verified paper audit trail requirement
    - 3.\_\_\_\_ after the recount, secured the paper ballots, voting machines, electronic vote tabulating devices, audit logs, VVPATs, election materials and returns for retention and storage as provided by law [§§7-5-319(f); 7-5-531; 7-5-532(e); 7-5-702]
    - 4.\_\_\_\_ certified the results of the last recount [§7-5-319(b)]

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# LIST OF VOTERS

Arkansas Code Annotated § 7-5-211(a)(2)(B) requires county election commissions to provide poll workers with list of voters forms. Arkansas Code Annotated § 7-5-305(a)(9) requires that before a person is allowed to vote, the voter's name shall be recorded on the list of voters form.

DO NOT INCLUDE PROVISIONAL VOTERS ON THIS LIST. A separate form is required for provisional voters.

Date: \_\_\_\_\_

Poll Name: \_\_\_\_\_

County: \_\_\_\_\_

Precinct #(s): \_\_\_\_\_

No.	NAME OF VOTER

No.	NAME OF VOTER

Pursuant to Arkansas Code Annotated § 7-5-314, poll workers shall total the number of voters on the list of voters forms, and the lists shall be certified and attested by the poll workers. **I certify and attest that this list contains the names of registered voters who voted non-provisional ballots at this polling site.**

\_\_\_\_\_  
Signature of Poll Worker

\_\_\_\_\_  
Signature of Poll Worker

\_\_\_\_\_  
Signature of Poll Worker

\_\_\_\_\_  
Signature of Poll Worker

\_\_\_\_\_  
Signature of Poll Worker

\_\_\_\_\_  
Signature of Poll Worker

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## 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]

\_\_\_\_\_  
Commissioner Signature

\_\_\_\_\_  
Commissioner Signature

\_\_\_\_\_  
Commissioner Signature

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## 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 Address

\_\_\_\_\_ 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.

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# LIST OF PERSONS ASSISTING VOTERS

Arkansas Code Annotated § 7-5-310(b)(5) requires poll workers at the polling sites to make and maintain a list of the names and addresses of all persons assisting voters. Two poll workers must assist a voter. Both poll worker names shall be listed in the first column.

Date of Election: \_\_\_\_\_ Poll Name: \_\_\_\_\_

County: \_\_\_\_\_ Precinct #(s): \_\_\_\_\_

No.	Name of Person (or poll workers) Assisting Voter	Address of Person Assisting Voter	Name of Voter Assisted
1.			
2			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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## CHANGE IN POLLING SITE AUTHORIZATION FORM

If the address given by a voter to the poll worker is not the same as the address on the precinct voter registration list, Arkansas Code Annotated §§ 7-5-305 and 7-7-308 requires that the poll worker contact the county clerk's office to determine the voter's proper precinct.

If the county clerk's office confirms that the voter's address is not within the precinct, the poll worker should complete the information below and give the completed form to the voter, instruct the voter to complete a voter registration application form to update county voter registration record files, and instruct the voter to go to the polling site serving that precinct in order for his or her vote to be counted.

**THE VOTER SHOULD PRESENT THIS COMPLETED FORM TO THE POLL  
WORKERS AT THE VOTER'S NEW POLLING SITE.**

Date of Election: \_\_\_\_\_

Name of Voter: \_\_\_\_\_

Voter's Registrant ID: \_\_\_\_\_  
(This number will be provided by the County Clerk's office.)

New Polling Site Location: \_\_\_\_\_  
(New polling site location will be provided by the County Clerk's office.)

New Polling Precinct Number: \_\_\_\_\_  
(This number will be provided by the County Clerk's office.)

Ballot Style to be Voted: \_\_\_\_\_  
(This number will be provided by the County Clerk's office.)

Authorized By: \_\_\_\_\_  
(Name of the employee with county clerk's office confirming the voter's registration.)

Referred From: \_\_\_\_\_  
(Name of the poll and the precinct number from which referred.)

Referred by Poll Worker: \_\_\_\_\_  
(Signature of the poll worker referring the voter to a new polling site.)

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## SPOILED BALLOT AFFIDAVIT

**Date:** \_\_\_\_\_ **Poll Name:** \_\_\_\_\_

**County:** \_\_\_\_\_ **Precinct #(s):** \_\_\_\_\_

Arkansas Code Annotated §§ 7-5-602 and 7-5-609 require that if a voter spoils a ballot, he/she should return the ballot to a poll worker who shall void the spoiled ballot by writing "CANCELLED" on its face and initialing the ballot. The poll worker shall issue the voter a new ballot, not to exceed three (3) in all. The voter must sign this affidavit before voting the new ballot.

*I, the undersigned, do solemnly swear or affirm that I spoiled my ballot(s), that I returned the spoiled ballot(s) to a poll worker who canceled the ballot(s) in my presence, and that I received a new ballot.*

Signature of Voter	Spoiled Ballot Ballot Style Number
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

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## VOTER COMPLAINT FORM

Arkansas Code Annotated § 7-5-510 requires county election commissions to provide, to every polling place using a voting machine(s), forms for voters to use in filing a complaint about the function of a voting machine.

Poll workers must forward complaint forms to their county election commission for investigation. A copy of the complaint must also be forwarded to the Elections Division of the Arkansas Secretary of State.

Name of Complainant: \_\_\_\_\_

Address of Complainant: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number of Complainant: \_\_\_\_\_

Complaint: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_

Voting Machine Identification #: \_\_\_\_\_

**County:** \_\_\_\_\_

Poll Name: \_\_\_\_\_ Precinct #: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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## ABANDONED BALLOT LOG

<b>County:</b> _____	<b>Name of Election:</b> _____	
<b>Date of Election:</b> _____	<b>Polling Location Name:</b> _____	
<b>Precinct Number(s):</b> _____		

PAPER BALLOT REJECTED BY SCANNER AND ABANDONED BY VOTER			
According to Arkansas Code Annotated § 7-5-309, if a paper ballot is abandoned in the receiving part of an electronic vote tabulating device by a voter who has left the poll without telling a poll worker to cancel or replace the ballot, two (2) poll workers should override warnings on the scanner, complete the process of casting the ballot, and document the name of the voter, the names of the two (2) poll workers completing the process of casting the ballot, the time, and all circumstances involved. <b>POLL WORKERS SHOULD NOT CAST PAPER BALLOTS ABANDONED ELSEWHERE IN THE POLL SUCH AS ON THE FLOOR OR IN A VOTING BOOTH. SEPARATE PROCEDURES HAVE BEEN PROVIDED FOR THOSE BALLOTS.</b>			
Name of Voter (if known)	Time	Names of Poll Workers	Circumstances
	1.		
	2.		
	1.		
	2.		
	1.		
	2.		
	1.		
	2.		
	1.		
	2.		

ELECTRONIC BALLOT ABANDONED ON A VOTING MACHINE			
According to Arkansas Code Annotated § 7-5-522, if an electronic ballot is abandoned on a voting machine by a voter who has left the poll without telling a poll worker to cancel the ballot, two (2) poll workers should complete the process of casting the ballot, and document the name of the voter, if known, the names of the two (2) poll workers completing the process of casting the ballot, the time, and all circumstances involved.			
Name of Voter (if known)	Time	Names of Poll Workers	Circumstances
	1.		
	2.		
	1.		
	2.		
	1.		
	2.		
	1.		
	2.		
	1.		
	2.		

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# POLL WORKERS' CERTIFICATE

*[Complete upon closing the poll and removing activation packs/devices from voting machines]*

Name of Election: \_\_\_\_\_

Date of Election: \_\_\_\_\_ County: \_\_\_\_\_

Polling Location Name: \_\_\_\_\_

Precinct Number(s): \_\_\_\_\_

In accordance with Arkansas Code Annotated § 7-5-526, we hereby certify that, at the official time for closing the polls and upon termination of the voting, and in the presence of all persons authorized to be present, we removed the activation devices from the voting machines at this polling site to make them inaccessible to further voting as indicated below.

[illegible]

*\* From the ZERO printout tape posted for each voting machine before the poll opened*

**\*\* From the return record produced from each voting machine upon closing the poll**

**NOTE:** The sum of the beginning protective counter number plus the number of votes on the public counter should equal the ending protective counter number.

Signature of Poll Worker

Signature of Poll Worker

Signature of Poll Worker

Signature of Poll Worker

Signature of Poll Worker

Signature of Poll Worker

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## **Certification of Logic and Accuracy Testing Results** **INSTRUCTIONS**

Ark. Code Ann. § 7-5-515 requires each County Board of Election Commissioners to test voting machines and ***ALL*** media for each election to determine that the voting system will correctly count the votes cast for all offices and on all measures at least **seven (7)** days prior to the beginning of early voting for each election. Notice must be published in advance of the testing. At least one (1) vote must be voted for each candidate on the ballot, as well as any write-in possibilities, ***for every ballot style in the election.*** This Logic and Accuracy (“L&A”) testing is in addition to the public demonstration (used to educate the public on how to use the machines).

If any error(s) is/are detected, the cause shall be ascertained ***and corrected,*** and an errorless count shall be made, before approval of the machine, or media, or both, or either alone.

As part of the testing, each County must process the results through the Election Reporting Manager (ERM), export the results, and upload the results to the Secretary of State Election Night Reporting (SoS ENR) System, no later than seven (7) calendar days before the beginning of early voting. After completion of all testing, including uploading files to SoS ENR, each County Board of Election Commissioners shall certify the accuracy of the voting system – each machine, and each item of media – as well as ERM export and upload to SoS ENR, and file the results with the county clerk.

Once the test results have been filed in your county clerk’s office, and results uploaded to SoS ENR, please notify your SoS Election Coordinator of the L&A certification date, and other dates, by faxing the **COMPLETED** form (on the next page) back to **(501) 683-3732** or **(501) 682-3408**, or emailing a **scanned PDF copy to your Election Coordinator’s email address.** **\*This is required by law. Act 1218 of 2015.**

## **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:** \_\_\_\_\_



Secretary of State  
**JOHN THURSTON**

Filing for year: \_\_\_\_\_

Elections Division  
State Capitol, Rm. 026  
Little Rock, AR 72201  
501/682/5070

## Disclosure by Members of County Board of Election Commissioners

Of certain sales to the State of Arkansas, a County, Municipality or School District

Ark. Code Ann. § 7-4-119

Please file with Secretary of State by January 31 of each year.

CBEC Member Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

County: \_\_\_\_\_

A member of a county board of election commissioners shall report to the Secretary of State any goods or services sold during the previous calendar year by himself or herself, his or her spouse, or any business in which the member or his or her spouse is an officer, director, or stockholder owning more than 10% of the stock having a total annual value in excess of \$1,000 to an office, department, commission, council, board, bureau, committee, legislative body, agency or other establishment of the State of Arkansas, a county, a municipality, or a school district.

☐ **During the previous calendar year, I have had no sales as referenced in Act 1216 of 2011, codified at Ark. Code Ann. § 7-4-119.**

*If more space is needed, attach additional sheets to this document.*

Goods or Services Sold: \_\_\_\_\_

Sold to: \_\_\_\_\_

Sold by: \_\_\_\_\_ This Page Intentionally Blank

Relationship of seller to CBEC member: \_\_\_\_\_

I certify under penalty of perjury that the above information is true and correct.

State of Arkansas \_\_\_\_\_  
County of \_\_\_\_\_

\_\_\_\_\_  
Signature of CBEC Member

Subscribed and sworn to before me, a Notary Public, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Revised 12/11

CBEC Member Name: \_\_\_\_\_ Filing for Year: \_\_\_\_\_

Goods or Services Sold: \_\_\_\_\_

Sold to: \_\_\_\_\_

Sold by: \_\_\_\_\_

Relationship of seller to CBEC member: \_\_\_\_\_

Goods or Services Sold: \_\_\_\_\_

Sold to: \_\_\_\_\_

Sold by: \_\_\_\_\_

Relationship of seller to CBEC member: \_\_\_\_\_

Goods or Services Sold: \_\_\_\_\_

Sold to: \_\_\_\_\_

Sold by: \_\_\_\_\_

Relationship of seller to CBEC member: \_\_\_\_\_

Goods or Services Sold: \_\_\_\_\_

Sold to: \_\_\_\_\_

Sold by: \_\_\_\_\_

Relationship of seller to CBEC member: \_\_\_\_\_

# POLL WATCHER AUTHORIZATION FORM

[A.C.A. § 7-5-312/Act 224 of 2007]

## Representative of a Candidate

I, \_\_\_\_\_, state that I am a candidate for the office of \_\_\_\_\_ in the \_\_\_\_\_ election. I further state that I have designated \_\_\_\_\_ as my authorized representative at the election at polling sites \_\_\_\_\_ and absentee ballot processing sites \_\_\_\_\_ in \_\_\_\_\_

County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at \_\_\_\_\_ in \_\_\_\_\_

County, Arkansas, for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

## Representative of a Group

I, \_\_\_\_\_, state that I represent the \_\_\_\_\_ group which is seeking passage/defeat (*circle one*) of the ballot measure entitled \_\_\_\_\_ on the ballot in the \_\_\_\_\_ election at polling sites \_\_\_\_\_ and absentee ballot processing sites \_\_\_\_\_ in \_\_\_\_\_

County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416 and 7-5-417.

## Representative of a Party

I, \_\_\_\_\_, state that I am the chairman or secretary of the state/county (*circle one*) committee for the \_\_\_\_\_ party with candidates on the ballot in the \_\_\_\_\_ election. I further state that I have designated \_\_\_\_\_ as an authorized party representative at the election at polling sites \_\_\_\_\_ and absentee ballot processing sites \_\_\_\_\_ in \_\_\_\_\_

County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at \_\_\_\_\_ in \_\_\_\_\_ County, Arkansas, for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

\_\_\_\_\_  
**Signature of Candidate, Group Representative, or Chairman/Secretary of the State/County Committee**

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Notary Public: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

\_\_\_\_\_  
**Signature of Poll Watcher**

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Notary Public: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

I do hereby acknowledge filing this poll watcher authorization form with the county clerk's office.

\_\_\_\_\_  
**Signature of County Clerk**

## **POLL WATCHER RIGHTS AND RESPONSIBILITIES**

A poll watcher may be:

- 1) A candidate in person, but only during the counting and tabulation of ballots and the processing of absentee ballots;
- 2) An authorized representative of a candidate;
- 3) An authorized representative of a group seeking the passage or defeat of a measure on the ballot; or
- 4) An authorized representative of a party with a candidate on the ballot.

Official recognition of poll watchers:

- 1) Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;
- 2) Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed; and
- 3) Only one (1) authorized poll watcher per candidate or party at any one (1) given time may be officially recognized as a poll watcher at the counting of the ballots.

Poll watcher credentials:

- 1) Except for candidates in person, poll watchers must present a valid affidavit in the form of a “Poll Watcher Authorization Form” to an election official immediately upon entering the polling or counting location.
- 2) Candidates in person are not required to present a “Poll Watcher Authorization Form” but must present some form of identification to an election official immediately upon entering the polling or counting location for the purpose of confirming the poll watcher as a candidate on the ballot.

Poll watchers may:

- 1) Observe the election officials;
- 2) Stand close enough to the precinct voter registration lists so as to hear the voter’s name and observe the voter’s signature;
- 3) Compile lists of persons voting;
- 4) Challenge ballots upon notification to an election official before the voter signs the precinct voter registration list and upon completing a “Challenged Ballot Form”;
- 5) Call to the attention of the election sheriff any occurrence believed to be an irregularity or violation of election law. The poll watcher may not discuss the occurrence unless the election sheriff invites the discussion; and
- 6) Be present at the opening, processing, and canvassing of absentee ballots for the purpose of challenging absentee votes in the manner provided by law for personal voting challenges.

Poll watchers representing a candidate or political party may:

- 1) Remain at the polling site after the poll closes if ballots are counted at the poll;
- 2) Be present at the counting of votes by hand or by an electronic vote tabulating device at a central location;
- 3) Be present at the counting of absentee ballots for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted; and
- 4) Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted.

Poll watchers may not:

- 1) Be within six feet (6’) of any voting machine or booth used by voters to cast their ballot;
- 2) Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100’) of the primary exterior entrance used by voters to the building containing the polling site; or
- 3) Disrupt the orderly conduct of the election

# Warning



**Do you think you have the wrong ballot?**

**If so,**

**DO NOT PRESS CAST**

**or**

**PLACE YOUR BALLOT IN THE TABULATOR!**

**Immediately notify a Poll Worker.**

**If you press cast or place your ballot in the tabulator, it's too late – you have voted.**

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# **CROSSOVER VOTING IS A CRIME**

## **VOTERS:**

It is a misdemeanor, punishable by up to one year incarceration and a fine of up to \$2,500, for a person to vote in the preferential primary of one political party and the general primary (runoff) of another.

*[A.C.A. §7-1-103(a)(19)(B), (b)]*

## **POLL WORKERS:**

It is a felony, punishable by up to six years incarceration and a fine of up to \$10,000 for a poll worker to knowingly permit a person to vote other than his or her legal ballot or fraudulently permit a person to vote illegally.

*[A.C.A. §7-1-104(a)(13), (14), (b)]*

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# **NOTICE ON ELECTIONEERING**

**ELECTIONEERING** means the display of, or audible dissemination of, information that advocates for or against any candidate, issue, or measure on a ballot [Act 533 of 2019]

**ELECTIONEERING** includes:

- **Handing out, distributing, or offering to hand out or distribute campaign literature or literature regarding a candidate, issue, or measure on the ballot;**
- **Soliciting signatures on any petition;**
- **Soliciting contributions;**
- **Displaying a candidate's name, likeness, or logo;**
- **Displaying a ballot measure's number, title, subject, or logo;**
- **Displaying or dissemination of buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information; and**
- **Disseminating audible electioneering information.**

## **PROHIBITION**

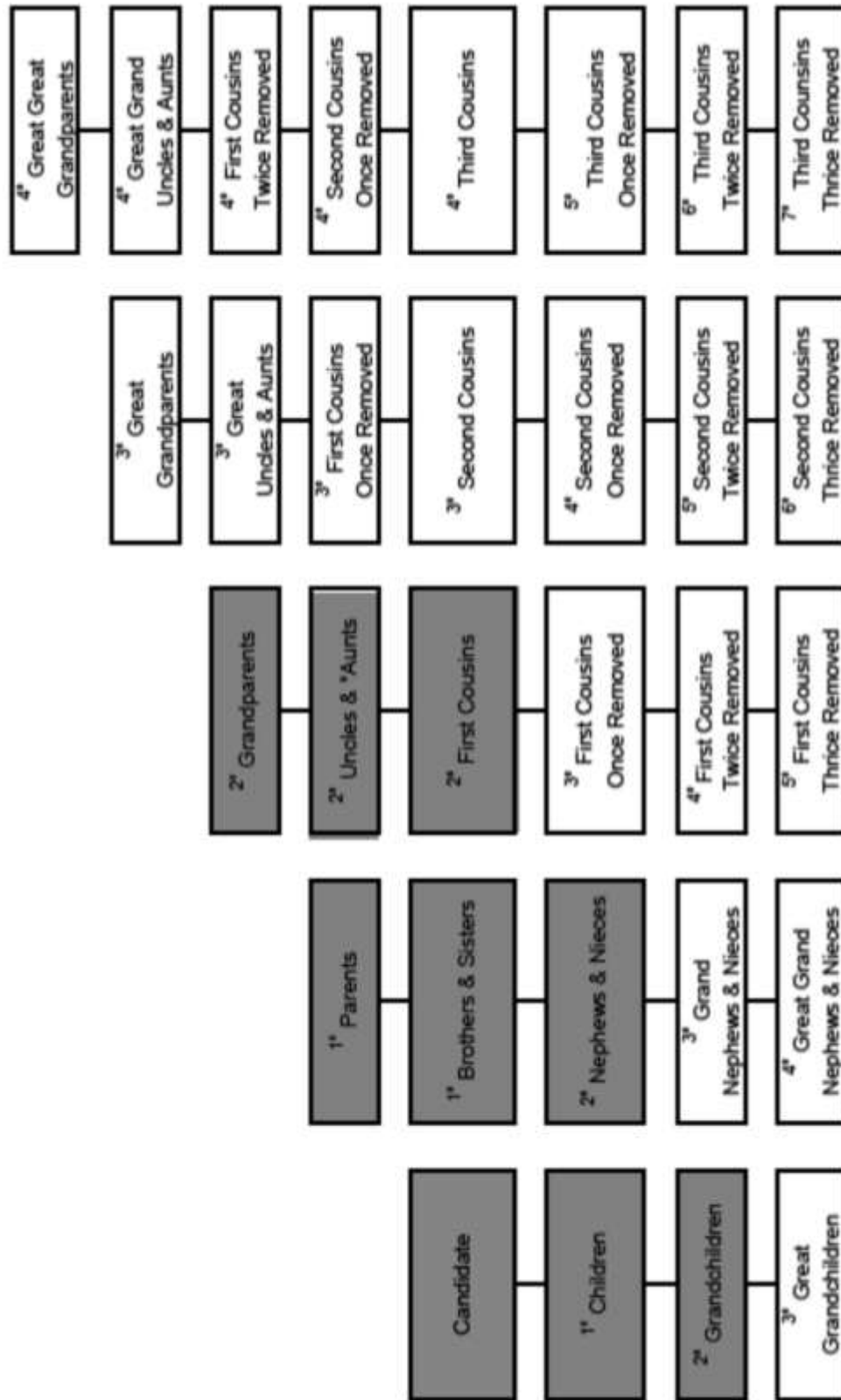
**Arkansas Code Annotated 7-1-103 and 7-1-104 prohibit electioneering in the building or within 100 feet of the primary exterior entrance used by voters to a building in which voting is taking place, or with persons standing in line to vote.**

## **PUNISHMENT**

**Violation of electioneering laws is, at the minimum, a Class A misdemeanor offense punishable by fine or confinement.**

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## DEGREES OF CONSANGUINITY (Relationship to Candidate)



Ark. Code Ann. § 7-4-109(d) states that "No person may serve as an election official if married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to his or her service is made to the county board within ten (10) calendar days after posting the list of officials."

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