

# STATE BOARD OF ELECTION COMMISSIONERS

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**TO:** County Clerks and County Boards of Election Commissioners  
**FROM:** State Board of Election Commissioners  
**DATE:** July 29, 2020  
**RE:** Guidance Regarding the November 3, 2020 General Election

In order to ensure all Arkansans have a safe and secure voting environment for the 2020 General Election, the SBEC would like to offer the following policy recommendations for your consideration. Unless otherwise noted, these policies are not a requirement from the state government but are strategies you should strongly consider implementing to mitigate any negative effects the COVID-19 virus may have on your county's elections.

## **ASSIGNMENT OF POLLING LOCATIONS:**

In order to ensure voters are not unnecessarily condensed into fewer physical locations, the SBEC recommends that counties open the same number of polling locations which would have been opened had COVID-19 not become a factor in the planning of this election. If resources and personnel permit, the county may consider adding new early voting opportunities in order to decrease the number of qualified electors who will need to access a particular poll at any one time.

However, if your county has existing polling locations which cannot be made to accommodate social distancing measures addressed in this guidance, the county should consider moving polling sites into venues which allows for adequate social distancing.

Counties should also consider reaching out to privately owned polling locations to ensure the property owners will permit the poll to be placed in that location for the General Election.

## **MASKS AND ACCESS TO THE POLL:**

The county does NOT have the discretion to limit a voter's access to the poll on the basis of a health screening or the failure of the voter to wear a facial covering. Voters should be encouraged to wear facial coverings and, if the county has supplies available, the county may want to consider offering facial coverings to voters who do not have one. If the county does conduct a screening procedure, a voter who is identified by the screening should be sent to a marking device which is separated from the other devices; however, **THAT VOTER MUST BE ALLOWED TO VOTE.**

The SBEC recommends the county require all election officials to wear facial coverings when in the poll or at other times when social distancing is not possible such as processing absentee ballots.

## **RETENTION AND RECRUITMENT OF POLL WORKERS:**

The SBEC anticipates the primary limiting factor in a county's ability to open polling locations will be adequate staffing. If you have not already done so, the SBEC strongly recommends that each county reach out to its poll workers and early voting officials to determine how many of its officials are: (A) are willing to work in the General Election, (B) may or may not work in the General Election, and (C) will not work in the General Election.

Counties should take proactive steps to recruit and train new poll workers to replace any past workers who are unable to serve in the 2020 General Election. The county should consider having more poll workers in reserve than would ordinarily be necessary to ensure last minute personnel changes do not jeopardize the conduct of the election. If the county has lost the services of their certified poll worker trainers, please contact our office as soon as possible so that new trainers can be certified.

The SBEC recommends that counties consider that existing poll workers who fall into the category of older adults, especially those with serious chronic medical conditions including but not limited to heart disease, diabetes, and lung disease may be at higher risk. Counties should make a concerted effort not to depend on the services of at-risk poll workers in the conduct of the election. If the county needs assistance developing a strategy to recruit new poll workers, the county is encouraged to contact this office.

## **ARRANGEMENT OF THE POLL:**

Polls must be arranged so that the voters and poll workers are able to practice social distancing. Voting booths and voting equipment should be spaced no less than six feet apart which is standard procedure in ordinary elections. Similarly, the poll must allow voters to form a line which maintains social distancing. The SBEC recommends marking six-foot intervals in the areas where the line is intended to form indicating where individuals or family groups should stand. If possible, it is also beneficial for voters to enter and exit through different doors. An alcohol-based sanitizer with at least 60% alcohol should be placed near the entrance and exit of the poll.

The SBEC recommends the line of voters waiting to check in to the poll stop no less than 12 feet from the voter check-in table. This will allow the voter in the process of checking in to vote the adequate space to socially distance when briefly removing their mask so that the poll worker may observe their face to complete the process of verifying the voter's registration with a photo ID.<sup>1</sup> The voter check-in table should be fitted with protective partitions if available and voters should be asked to set their ID on the table where poll workers may observe the ID without the need to handle it. Counties may want to designate the place on the table where the ID should be placed.

## **OPERATION OF THE POLL:**

It is critical that the counties' election officials be instructed on procedures to ensure the poll is operated in a manner which ensures the safety of all voters and poll workers. Foremost among these policies should be the regular cleaning of any items that voters may come into contact with.

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<sup>1</sup> In the event a voter refuses to temporarily remove his or her mask, the poll supervisor shall use their reasoning and judgment to determine whether the voter is adequately identified without the need to fully remove the voter's facial covering. If so, the voter should be allowed to vote a regular ballot.

Please review the ES&S document titled “Best Practices for COVID-19” regarding the proper sanitation of voting equipment. Ideally, voting equipment should be sanitized after each use.

Poll workers should regularly wash or sanitize their hands or change their gloves and should wear a facial covering when serving voters. Voters should be encouraged to utilize disposable styluses procured by the Secretary of State’s Office to the greatest extent possible to avoid the voter being required to touch any surface except the stylus and the ballot itself.

The Secretary’s Office has ordered over a million disposable stylus for this purpose. Counties should work with the Secretary’s Office in obtaining this and other PPE necessary for the implementation of this guidance.

In addition, poll workers should remind voters to maintain social distancing, to wash or sanitize their hands before and after entering the poll, and to refrain from greeting fellow voters with physical contact.

### **CANVASSING AND COUNTING BALLOTS:**

In preparation for the 2020 General Election, the SBEC also encourages that the County Clerk and the CBEC consider what steps should be taken to prepare for canvassing and counting ballots.

The SBEC has concluded that poll watchers and candidates, or their representatives, must be permitted to be physically present to observe the exposure of the vote totals in the poll, the compiling of the county’s results in the central tabulation room, and the canvassing and counting of absentee and provisional ballots. The SBEC also recommends that credentialed media be permitted to observe and that other members of the public be permitted to the extent space allows while maintaining social distancing. If the space ordinarily used to tabulate votes or canvass early, absentee, or provisional ballots is overly restrictive in its capacity, the county should consider finding a larger venue. The county may also consider setting up a live stream of the process so that the general public may view the process without being physically present.

### **ABSENTEE VOTING:**

The SBEC has concluded that Arkansas Law permits voters to elect to utilize the existing absentee voting process if the voter concludes their attendance at the poll raises concerns for their health or the health of others as a result of the COVID-19 pandemic. Consequently, the county should prepare for the possibility of sending and receiving an increased number of absentee ballots.

Arkansas law permits the county to canvass the outer envelopes of an absentee ballot prior to election day. The SBEC strongly recommends that counties plan to take advantage of this flexibility and schedule absentee ballot canvassing starting as soon as permitted by law. It is essential that the county include in its notice of election the date, time, and location of each pre-election canvassing of the outer envelopes of absentee ballots. Remember, the county **MAY NOT** open the inner envelopes containing the ballot until 8:30am on election day.

In order to facilitate the increased number of absentee ballot requests, the county should ensure it has substantially more absentee ballot materials than were needed in previous elections. The county should also consider recruiting and training additional absentee ballot clerks to ensure that absentee ballots are processed in a timely manner.