

NOTICE OF RULEMAKING

Pursuant to the Administrative Procedure Act, notice is hereby given that the State Board of Election Commissioners (Board) is proposing a new rule titled “Rules for County Election Coordinator Training.” This Rule implements Act 1051 of 2021 which requires each county to identify and appoint an election coordinator who must attend training conducted by the Board.

The Board is amending the “Rules for Poll Worker and County Clerk Training.” This amended Rule provides for the testing and certification of poll workers on a biennial basis prior to the preferential primary. The amendment also increases the cash stipend for attending training to \$35 for basic training and \$55 for advanced poll worker training from the current \$25.

The Board is amending the “Rules for the Verification of Voter Registration.” This amended Rule eliminates references to the optional identity affirmation required by Act 249 of 2021. The amendment ensures the Rule correctly articulates the standard of review which the County Board of Election Commissioners apply when considering provisional ballots cast for failure to provide a qualifying photo ID.

The Board is amending its “Rules of Practice and Procedure.” This amended Rule reflects changes in the law made by Act 1063 of 2021 and the amendment is designed to provide a clear process by which the appeal of a polling site closure is considered and describes a clear standard of review. Act 376 of 2019 required the Board to review and certify or reject initiated constitutional amendment petitions. This amendment describes the process and deadlines for the Board’s Staff to provide documents to the Board and other interested parties. The amendment further provides structure to the process of third parties filing arguments supporting or opposing the certification of proposed ballot language.

The Board is amending the “Rules of Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws.” This amendment is necessary to conform the existing Rule to the procedural and substantive changes made by Act 756 of 2021 and Act 974

of 2021. As to Act 756 of 2021, the majority of the amendments bring the rule into compliance with the procedural changes made by the Act. As to Act 974 of 2021, the rule incorporates into the Rule two new sanctions authorized by the Act. The new sanctions include the decertification of an election official and the authority to “take over and conduct elections in the county.” The amendment also makes procedural changes to clarify the processing of a complaint and clarifies the authority to place respondents and witnesses under oath and clarifies the authority to issue subpoenas.

The Board is amending the “Rules on County Election Commissioner Training.” This amendment is necessary to implement the testing and certification of election commissioners on a biennial basis prior to the preferential primary as established by Act 1051 of 2021. Upon passing the required test, this amendment increases the authorized training compensation for an election commissioner from \$100 to \$300.

The Board is amending the “Rules on Poll Watchers, Vote Challenges, and Provisional Voting.” This amendment updates the provisional voting procedures required by Act 249 of 2021 to account for the removal of the optional identity affirmation, the amendment provides reasonable restrictions regarding inspecting of ballots and voter statements required by Act 727 of 2021, and it provides a requirement that a voter be allowed to cast a provisional ballot when the voter record indicates the voter has already voted. It also requires that this occurrence be reported to the SBEC for investigation.

You may view the proposed new and amended rules at www.arkansas.gov/sbec/rules or you may obtain copies by emailing a request to info.sbec@arkansas.gov, by calling 800-411-6996, or by mailing a request to: Arkansas State Board of Election Commissioners, 501 Woodlane, Suite 122S, Little Rock, AR 72201.

Written comments must be received no later than 4:30 p.m. on February 22, 2022. Comments should be emailed to info.sbec@arkansas.gov or mailed to: Arkansas State Board of Election Commissioners, 501 Woodlane, Suite 122S, Little Rock, AR 72201. A public comment hearing

will be held on February 7, 2022, beginning at 1:30 p.m. in the Ground Floor Conference room of the Rockefeller Building, located at 501 Woodlane, Suite GS-05, Little Rock, AR 72201.