

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

**Mark Martin**

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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Contact Peyton Murphy

E-mail peyton.murphy@sos.arkansas.gov

Phone 501-683-5098

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Peyton Murphy

peyton.murphy@sos.arkansas.gov

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Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-683-5098

Phone Number

peyton.murphy@sos.arkansas.gov

E-mail Address

Asst. Director of Elections

Title

06/15/2018

Date

MARK MARTIN  
SECRETARY OF STATE  
STATE OF ARKANSAS

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# ARKANSAS SECRETARY OF STATE



## Rules on Vote Centers

May 7, 2014

Revised April 6, 2018

## **1.0 TITLE**

**1.01** These rules shall be known as the Rules on Vote Centers.

## **2.0 AUTHORITY AND PURPOSE**

**2.01** These rules are promulgated pursuant to Act 1389 of 2013.

**2.02** The purpose of these rules is to designate equipment, and establish standards and procedures for Arkansas counties choosing to implement the optional Vote Centers.

**2.03** Nothing in these rules shall be interpreted to require counties to use Vote Centers. These rules shall only be applicable to Arkansas counties that use Vote Centers on election day.

## **3.0 DEFINITIONS**

**3.01 County Clerk** – As used in these rules, the County Clerk is the official elected by the voters of a county to serve as County Clerk or a member of his or her staff.

**3.02 County Board of Election Commissioners or CBEC** – As used in these rules, CBEC means the board of election commissioners elected by county committees as prescribed by Ark. Code Ann. § 7-4-102.

**3.03 Electronic Poll Book** – Electronic Poll Book means 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, including a Vote Center, on election day. At the county's discretion, and if technology allows, the county may choose to use iPower Profile software as their Electronic Poll Book.

**3.04 Equipment-** As used in these rules, Equipment means any mechanical or electronic equipment, for the purposes of the verification of voter registration records, or the direct recording and tabulation of votes. Such Equipment shall include, but not be limited to Electronic Poll Books, Voting Machines, bar code printers, ballot marking devices, and ballot tabulation devices.

**3.05 Precinct-** Precinct means a geographical area, the boundaries of which are determined by a County Board of Election Commissioners in order to facilitate voting by the registered voters from that geographical area.

**3.06 Secure Electronic Connection-** As used in these rules, a Secure Electronic Connection is an electronic connection between a county's centralized voter registration records and Electronic Poll Books in a polling location, including Vote Centers, that prevents an elector from voting more than once in a single election and prevents unauthorized access to the computerized voter registration records maintained by the County Clerk.

**3.07 Vote Center-** Vote Center means an election day voting location designated by the County Clerk or County Board of Election Commissioners at which a qualified elector from any Precinct in the county holding the election may vote.

**3.08 Voting Machine(s)-** As used in these rules, a Voting Machine may refer to either:

- A. A direct-recording electronic Voting Machine that:
  - a) Records votes by means of a ballot display provided with mechanical or electro-optical components that might be actuated by the voter; b) Processes the data by means of a computer program;
  - c) Records voting data and ballot images in internal and external memory components; and
  - d) Produces a tabulation of the voting data stored in a removable memory component and on a printed copy, or;
- B. A ballot marking device, such as an ExpressVote, that allows a voter to input their choices and records those choices on a paper ballot.

#### **4.0 ESTABLISHMENT OF VOTE CENTERS**

**4.01** The County Board of Election Commissioners or County Clerk may only establish one (1) or more Vote Centers in the county on election day in accordance with A.C.A. § 7-1-113 and A.C.A. § 7-5-101 (requiring a local ordinance by the Quorum Court).

**4.02** Before establishing a Vote Center, and at least thirty (30) days before early voting begins, the County Clerk or County Board of Election Commissioners shall create and adopt a written plan for operation of one (1) or more Vote Centers within their county on election day. The plan shall address each of the issues raised in Sections 5 through 14 of these Rules and the following listed items:

1. Physical location of each polling location, including Vote Centers, to be used by the county on election day. Indicate whether each location meets ADA requirements and whether the location adequately allows the voter to personally and secretly execute his or her vote.
2. Description of the Equipment to be used to verify voter registration status at each polling location, including Vote Centers. The description must also include an estimated number of Poll Books, laptops, or other electronic devices to be used to verify voter registration status at each polling location, including Vote Centers.

3. Description of the Equipment to be used at each polling location, including Vote Centers, for recording or tabulating votes cast. Include an estimated number of Voting Machines, printers, counting devices or other electronic devices used to record or tabulate votes cast at each polling location, including Vote Centers. The description must also include an estimated number of ADA compliant voting machines that are to be used at each polling location, including Vote Centers.
4. Description of the Secure Electronic Connection available at each polling location, including Vote Centers.
5. Method for having available printed and pre-numbered ballots for every Precinct ballot style in the county, as well as a display of two (2) samples of each ballot posted on the walls at each polling location, including Vote Centers.

**4.03** After the vote center plan is established and adopted, but prior to any elections which utilize vote centers, the following must be filed with the Secretary of State:

1. A copy of the Vote Center Plan
2. A copy of the ordinance passed by the county quorum court.
3. The county clerk's certification that each Vote Center has access to a secured electronic connection.

## **5.0 EQUIPMENT (VOTING MACHINES)**

**5.01** All Voting Machines used in a Vote Center must have the capacity to hold every ballot style available in the county and still report results by Precinct. If a county wishes to use a Vote Center for a preferential primary, the Voting Machines must have the capacity to hold and tabulate every ballot style for each primary and nonpartisan election available in the county for that election.

**5.02** The written plan from the county must include an estimated total number of I votronics, ExpressVotes, and all other Voting Machines available for use in the county. The plan must also include the county plans for auditing the results of an election, prior to certification, to assure all media and paper ballots have been properly accounted for and tabulated. The plan must outline the use of, and accounting for, all electronic media used in the election. The plan must also describe the care, handling and tracking of those devices due to equipment limitations.

**5.03** The plan should indicate an estimated number of machines used for early voting and whether those machines will be used on election day. The plan must also include an estimated number of I votronics, ExpressVotes, or other Voting Machines available for election day polling locations (including Vote Centers).

**5.04** The following must also be included in the written plan:

Number of I votronics and/or other Voting Machines available in county.

Number of current polling locations on election day.

Estimated number of I votronics, ExpressVotes, or other Voting Machines currently used in each polling location on election day.

Number of current registered voters assigned to each polling location, including the number of active and inactive voters assigned to each polling location.

County's projection of number of electors who will vote at each polling site, including Vote Centers, on election day. Include projections for preferential primary elections and general elections.

Proposed estimated assignment of voting machines for each polling location in the county (including Vote Center(s)). Maximum number of cast ballots stored on a machine must allow for voter turnout, and must be able to report ballots by Precinct. It is suggested that there be one (1) direct recording electronic voting machine (DRE) or I votronic machine available for every 300 registered voters and any variation must be described in the county's proposed plan. Outline how the county intends to address potential limitations of electronic media used in the election.

Proposed number of paper ballots for each ballot style for each polling location in the county (including Vote Center(s)).

Proposed assignment of electronic devices for scanning paper ballots that have been marked by voters that will be used at each polling location, including Vote Centers (i.e. DS200, M100 or 650).

Proposed plan for tabulating votes cast at all polling locations, including Vote Centers.

Estimated number of Voting Machines not assigned to any specific polling location or Vote Center on election day, but which would be available for use in case of an emergency or high voter turnout at one or more polling places Vote Centers.

## **6.0 EQUIPMENT (VERIFYING REGISTRATION RECORDS)**

**6.01** If a county chooses to operate one (1) or more Vote Centers on election day, an Electronic Poll Book or other electronic device must be used in all polling locations on election day to verify the registration of potential voters and to prevent an elector from voting more than once. The Electronic Poll Book or other electronic device must be capable of instantaneously updating voter information at a central location, and, between all polling locations on election day, to prevent an individual elector from voting more than once.

**6.02** The written plan from the county must identify, describe, and provide the specifications for the Equipment that the county will use for these purposes.

**6.03** The written plan from the county must include the estimated number of Electronic Poll Books or other electronic devices for verifying registration records that will be used in each polling location, including Vote Centers.

## **7.0 MAINTENANCE AND USE OF EQUIPMENT**

**7.01** The following standards shall apply for maintenance of the Equipment in a Vote Center:

- A. Counties shall ensure that the Equipment is properly maintained with current and up to date firmware and software, and used within manufacturer's suggested tolerances.
- B. Equipment used in Vote Centers is subject to the same standard maintenance procedures for all voting systems in the State of Arkansas.
- C. If required for maintenance, error with Equipment, or break down of any Equipment, a vendor or certified technician may perform maintenance on any Equipment as needed. Any maintenance needed on election day must be authorized by the County Board of Election Commissioners.

**7.02** The following standards shall apply for use of the Equipment in a Vote Center:

- A. Counties shall allow only trained personnel to operate or maintain any of the Equipment in a Vote Center.
- B. All electronic or mechanical Equipment is for official use by the County Clerks if designated to conduct early voting, or the County Board of Election Commissioners or other designated county personnel.
- C. Equipment shall be used only for performance of official election duties. No personal use of Equipment is authorized.

## **8.0 TESTING AND BACKUP OF EQUIPMENT**

**8.01** Equipment used at the Vote Center shall be properly tested and backed up.

**8.02** Voting Machines used at a Vote Center shall be tested in accordance with Arkansas law for testing of voting machines used at other polling locations. All statutory deadlines for public testing of the machines and logic & accuracy testing of the machines shall be followed for Equipment used at Vote Centers. All direct recording electronic voting machines (DRE) shall be equipped with a voter-verified paper audit trail. The county shall provide sufficient supplies for operation of the voting systems including adequate paper for use of the voter-verified paper audit trail.

**8.03** All Equipment used to verify the registration of potential voters shall be tested at least seven (7) days prior to the start of early voting. The county shall put sample data on each of the devices during testing to ensure that the device is capable of holding all of the data. The county shall also test the electronic connection at each polling location, including Vote Centers, at least seven (7) days prior to the start of early voting. During the testing of the electronic connection, the county shall update voter information at least three (3) times to ensure that data is capable of being received at the central location and subsequently verified at each polling location, including Vote Centers.

## **9.0 SECURE ELECTRONIC CONNECTION**

**9.01** Act 1389 of 2013 requires that counties desiring to utilize one (1) or more Vote Centers have a sufficient Secure Electronic Connection which prevents:

- a) An elector from voting more than once; and
- b) Unauthorized access to a computerized registration book maintained by the County Clerk.

If a Vote Center is used in an election, the Vote Center shall have a Secure Electronic Connection to provide and receive voting information to and from the computerized voter registration records maintained by the County Clerk.

The Secure Electronic Connection must allow live streaming of information, to and from the Vote Center, and to and from every other polling location, so that double voting is not allowed.

**9.02** If the county is using one (1) or more Vote Centers, every polling location, including the Vote Centers, must have high speed internet available within 300 feet of the room where voting will occur in order to allow live updates of Electronic Poll Books and/or any other Equipment used to verify the registration of potential voters, to prevent an elector from voting more than once in that election. The vote center plan must include a description of the Electronic Connection used in every polling location, including Vote Centers. Such description shall also include what type of network, if any, is used.



**9.03** All information transmitted to or from the county voter registration system to an Electronic Poll Book or other electronic system designated by the county to verify voter registration shall be secure. The vote center plan must identify the measures to be taken to ensure that there is sufficient security. At a minimum: 1) The county shall have a plan for restricting access to the Electronic Poll Books including a login/password plan. 2) All data transfers shall meet, at a minimum, at least one (1) single-layer security protocol and requirements as may be designated by the Secretary of State from time to time.

## **10.0 ELECTRONIC/INTERNET SYSTEM FAILURE**

**10.01** Since polling locations, including Vote Centers, rely heavily on electronic connectivity, each county must have a specific plan for voting should there be a failure of the primary electronic system or internet connectivity.

**10.02** At a minimum, the county plan must meet the following standards:

Back-up for at least twelve (12) hours of operation for all Equipment. Batteries, a generator, or other appropriate devices may be used for back-up.

Telephone, either land-line or cell phone, for poll workers using an Electronic Poll Book in order to contact the County Clerk's office to verify voter registration in the event of electronic system failure or other internet connectivity issues.

List of land-line or cell phone numbers for each polling site in the county, including Vote Centers, in order to contact other polling sites to verify an elector has not previously voted.

Paper copy of the precinct voter registration list. A Vote Center must have a paper copy of the precinct voter registration list for all Precincts within the county. As an alternative, a Vote Center can have a blank Precinct voter registration list for voters to complete and sign if the Vote Center also has the following: 1) A complete list of all names of registered voters in the county in alphabetical order and with Precinct designated; and 2) Individual "sign-in" sheets for voters to complete requiring the voter's address, Precinct, date of birth and signature.

The county plan shall address each of the items mentioned above and should include any additional steps the county will take if there is an electronic system or internet connectivity failure.

## **11.0 NOTIFICATION TO VOTERS**

**11.01** Vote center plans shall include the county's plan for educating voters on the availability of Vote Center(s). If, as part of its plan, the county eliminates certain polling locations, the plan shall include information on how voters will be notified of the polling locations that are closed. The plan shall include, but not be limited to, direct mailings to voters, media and signage at current and former polling locations.

**11.02** All changes shall be subject to publication and notification requirements found in A.C.A. § 7-5-101.

## **12.0 ORDINANCE REQUIRED**

**12.01** When the plan has been adopted and the County Clerk has certified to the Secretary of State and the County Quorum Court that the county has sufficient Secure Electronic Connections at each polling location to meet the requirements of A.C.A. § 7-5-101 (e)(1)(A), the county may adopt an ordinance to establish one (1) or more Vote Centers.

**12.02** A copy of the ordinance shall be filed with the County Clerk, the County Board of Election Commissioners, and the Secretary of State.

**12.03** An ordinance must be approved by the County Quorum Court and a copy filed with the County Clerk, the County Board of Election Commissioners, and the Secretary of State before a county may operate a Vote Center.

## **13.0 PROVISIONAL BALLOTS**

**13.01** If a potential voter seeking to cast his or her ballot at a Vote Center is not listed in the county voter registration files, the registration cannot be verified by the county clerk or election official and the voter contends that he or she is eligible to vote, the voter shall be given a Provisional Ballot.

**13.02** A Vote Center must have Provisional Ballots available for all Precincts in the county and copies of all ballots must be posted on the wall as sample ballots as required by law.

## **14.0 CHANGE OF VOTE CENTER LOCATION**

**14.01** Except for school elections under A.C.A. § 6-14-106, a Vote Center location for each election shall be the same as that established for the immediately preceding general election unless changed by order of the County Board of Election Commissioners.

**14.02** The County Board of Election Commissioners shall not change a Vote Center location less than thirty (30) days before an election except in the event of an emergency.

**14.03** Notice of a change made to a Vote Center location shall be posted at the Vote Center location used in the last election, and except for school elections and special elections, the notice shall be published in a newspaper of general circulation in the county at least fifteen (15) days before the election.

## **15.0 UPDATING COUNTY PLAN**

**15.01** Upon revising a written vote center plan, a county shall submit the revised written plan to Secretary of State for operation of Vote Centers within the county.