

**RULES  
FOR  
POLL WORKER & COUNTY CLERK  
TRAINING**

(Effective March 17, 2002; Revised ~~November 8, 2013~~)



State Board of Election Commissioners  
501 Woodlane, Suite 401N  
Little Rock, AR 72201  
(501) 682-1834 or (800) 411-6996  
[www.arkansas.gov/sbec](http://www.arkansas.gov/sbec)

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## Scope of Rules

These rules will set forth the procedures for coordinating ~~poll worker~~ training [for poll workers and county clerks](#) in the 75 counties in the state. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

## § 200 Definitions

- (a) Election Official – a person who is a member of the county board of election commissioners, [a person who performs election coordinator duties](#), ~~or~~ 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](#).<sup>1</sup>
- (b) Polling Site – a location selected by the county board of election commissioners where votes are cast.<sup>2</sup>
- (c) Poll Worker – an election official designated by the county board of election commissioners to be an election clerk, election judge or election sheriff at a polling site.
- (d) Precinct – 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.
- (e) Primary Election – any election held to select the nominees of a political party for election at any general or special election in this state.<sup>3</sup>

## § 201 Qualifications of Election Officials Designated as Poll Workers

The qualifications<sup>4</sup> determined by the General Assembly<sup>5</sup> of an election official designated by the county board of election commissioners to serve as a poll worker are as follows:

- 1) Must be a qualified elector of this state;
- 2) Must be able to read and write the English language;
- 3) Must be a resident of the precinct in which he or she serves at the time of his or her appointment, unless the county board determines unanimously that it is impossible to obtain qualified poll workers from the precinct, in which case, the poll worker shall be a qualified county resident;
- 4) Must not have been found guilty or pled guilty or nolo contendere to the violation of any election law of this state;

<sup>1</sup> A.C.A. § 7-1-101 [as amended by Act 1042 of 2015](#)

<sup>2</sup> A.C.A. § 7-1-101

<sup>3</sup> A.C.A. § 7-1-101

<sup>4</sup> A.C.A. § 7-4-109

<sup>5</sup> Art 3, § 10 of the Arkansas Constitution, as amended by Amendment 85

- 5) Must not be a paid employee of any political party;
- 6) Must not be a paid employee of any person running for any office on the county's ballot;
- 7) Must not be a candidate for any office to be filled at an election while serving as a poll worker; and
- 8) Must not be married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to the service is made to the county board of election commissioners within ten (10) calendar days after the posting of the list of officials.

## **§ 202 Required Training**

Each county board of election commissioners shall:

- 1) Designate at least two (2) qualified electors of the county to attend training conducted by the State Board of Election Commissioners before the -regularly scheduled preferential primary election for the purpose of being certified by the State Board as poll worker trainers for the county. Each designee shall attend either a comprehensive training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election or an advanced training program conducted by the State Board of Election Commissioners after each regular legislative session. Any designee who has not served as a certified poll worker trainer during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program;
- 2) Ensure that all poll workers at each polling site for a regularly scheduled election attended election training conducted locally by State Board-certified trainers and coordinated by the State Board prior to each regularly scheduled preferential primary election;<sup>6</sup> and
- 3) Ensure that at least one (1) poll worker at each polling site attended election training coordinated by the State Board within twelve (12) months prior to any regularly scheduled election.<sup>7</sup>

## **§ 203 Certification and Compensation of Poll Worker Trainers**

Upon successful completion of training conducted by the State Board of Election Commissioners:

- 1) Certification, valid for a period of two (2) years, shall be issued by the State Board to each designated trainee who successfully completes the training program;
- 2) 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;
- 3) 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; and

<sup>6</sup> A.C.A. §§ 7-4-107(b)(2); 7-4-109(e)(1) ~~as amended by Act 1457 of 2013~~

<sup>7</sup> A.C.A. § 7-4-107(b)(2)

| ~~4)~~—Certified trainers' compensation will be paid by the State Board to the County Treasurer  
| upon receipt of the reporting form approved and provided by the State Board to the county  
| for that purpose.

Certification and compensation of additional county trainers will be considered by the State Board on a case by case basis based upon need and availability of sufficient resources and funding.

#### **§ 204 Compensation for Poll Worker Training Attendance**

A poll worker who attends training conducted by a State Board-certified [poll worker](#) trainer and who works the preferential primary election immediately following the training is eligible to receive a maximum \$25 additional one-time payment.<sup>8</sup>

A county is eligible to receive compensation for poll worker training attendance up to a maximum of six (6) eligible poll workers per precinct per polling site per preferential primary election.

Poll worker compensation will be paid by the State Board to the County Treasurer upon receipt of suitable supporting documentation from the county, as determined by the State Board.

#### **§ 205 Required Training for County Clerks**

A county clerk or his or her designee shall:

Attend training for poll worker trainers conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election. Each county clerk or designee shall attend either a comprehensive training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election or an advanced training program conducted by the State Board of Election Commissioners after each regular legislative session. Any county clerk or designee who has not served as an election official during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program; and

County clerks or clerk designees who attend training under this section are eligible to receive mileage reimbursement at the rate established for state employees by state travel regulations and are not eligible to receive any additional compensation; and

Any reimbursement will be paid by the State Board to the County Treasurer upon receipt of the reporting form approved and provided by the State Board to the county for that purpose.

#### **§ 20~~6~~5 Noncompliance**

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<sup>8</sup> A.C.A. § 7-4-109(e)(2)

| The State Board may withhold funding for poll worker [and county clerk](#) training attendance from any county that fails to comply with the rules and guidelines developed by the State Board for the administration of poll worker training, until all requirements are met to the satisfaction of the State Board.<sup>9</sup>

## | § 2076 Training Materials

The State Board of Election Commissioners will provide training materials for local poll worker training to each of the seventy-five (75) counties.

Poll worker training shall be conducted only by State Board-certified trainers using materials provided by the State Board. Any exception must be by prior written request to the State Board with prior written approval by the State Board. Approval by the State Board is not required for materials related to voting system training or supplemental procedures not addressed by materials provided by the State Board.

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<sup>9</sup> A.C.A. § 7-7-201(b)(3)

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY State Board of Election Commissioners

DIVISION \_\_\_\_\_

DIVISION DIRECTOR Justin Clay

CONTACT PERSON Justin Clay

ADDRESS 501 Woodlane, Suite 401N, Little Rock, AR 72201

PHONE NO. 501-682-1834 FAX NO. 501-682-1782 E-MAIL clay.sbec@sos.arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Justin Clay

PRESENTER E-MAIL clay.sbec@sos.arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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1. What is the short title of this rule? Rules for Poll Worker Training 108.00.02

2. What is the subject of the proposed rule? General procedures for training poll workers

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒  
If yes, what is the effective date of the emergency rule? N/A

When does the emergency rule expire? N/A



Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation. N/A

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. N/A

Is this an amendment to an existing rule?

Yes ☒

No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. 7-4-101(f)(3)

7. What is the purpose of this proposed rule? Why is it necessary? These rule changes address legislative changes from Act 1042 of 2015 requiring that all county clerks or their designee be trained prior to the preferential primary election by: 1) amending the title of the rules to include "county clerk"; 2) amending the definition of election official; and 3) setting forth the procedure by which county clerks or their designees will be trained and reimbursed for mileage expenses associated with attending the mandatory training.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.arkansas.gov/sbec

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: N/A

Time: N/A

Place: N/A

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

August 10, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

October 4, 2015

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain.

\_\_\_\_\_

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?  
Please provide their position (for or against) if known.
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## FINANCIAL IMPACT STATEMENT

### PLEASE ANSWER ALL QUESTIONS COMPLETELY

**DEPARTMENT**      State Board of Election Commissioners

**DIVISION**      \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT**      Justin Clay

**TELEPHONE NO.**      501-682-1834      **FAX NO.**      501-682-1782      **EMAIL:**      clay.sbec@sos.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**      Rules for Poll Worker Training 108.00.02

1. Does this proposed, amended, or repealed rule have a financial impact?      Yes ☒      No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?      Yes ☒      No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?      Yes ☒      No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;  
    N/A
- (b) The reason for adoption of the more costly rule;  
    N/A
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
    N/A
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
    N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

#### Current Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>

#### Next Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>

Total 0.00

Total 0.00

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue	<u>\$6,700 for FY16</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>

Total \$6,700 for FY16

**Next Fiscal Year**

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>

Total 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0.00

N/A

**Next Fiscal Year**

\$ 0.00

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

6,700 for  
\$ FY16

This rule allows for mileage reimbursement for county clerks or their designee to attend mandatory training conducted by the State Board of Election Commissioners prior to the preferential primary election. The mandatory training requirement is pursuant to Act 1042 of 2015. The fiscal impact estimate is based on mileage at the current rate of \$0.42 per mile from each county seat to and from the State Board's offices in Little Rock. Any additional expenses resulting from these rules can be absorbed within the agency's current appropriation and funding levels for the FY16-17 biennium.

**Next Fiscal Year**

\$ 0.00

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.