

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

John Thurston

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

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

Phone Number

E-mail Address

Title

Date

RULES FOR COUNTY ELECTION COORDINATOR TRAINING

(Effective: May 7, 2022)



**State Board of Election Commissioners
501 Woodlane, Suite 122 South
Little Rock, AR 72201
(501) 682-1834 or (800) 411-6996
www.arkansas.gov/sbec**

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Scope of Rules

These rules will set forth the procedures for training the county election coordinators 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.

§1301 Definitions

- (a) Candidate – for the purpose of these rules, any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office.¹
- (b) County Board of Election Commissioners - the three-member board in each of the 75 counties in this State responsible for conducting all elections within their respective county, including two members elected by the county committee of the majority party and one member elected by the county committee of the minority party or persons appointed by the state chair of either the majority or minority party to fill a vacancy in that party's position.²
- (c) Election Coordinator – the person appointed by majority vote of the county election commission to receive election coordinator training under this rule and to whom tasks can be delegated or assigned by the county election commissioners.
- (d)(1) Election Official - a person who is 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.
 - (2) Election Official - includes a person who serves as:
 - (A) A member of the county board of election commissioners;
 - (B) A person who is appointed by the county board of election commissioners to serve as:
 - (i) an election coordinator;
 - (ii) a person appointed to perform tasks related to the election which require the handling of ballots or other election materials or equipment;
 - (iii) an election clerk;
 - (iv) an election judge;
 - (v) an election sheriff; or
 - (vi) an absentee ballot clerk; or

¹ A.C.A. § 7-6-201(2)

² A.C.A. § 7-4-102(a)

- (C) A person assigned by a county clerk to conduct early voting administered by the county clerk.

§1302 Eligibility of an Election Coordinator

- (a) An election coordinator is defined by state law as an election official.³
- (b) The General Assembly has defined the minimum standards for eligibility to serve as an election official as follows:
- (1) Must be a qualified elector of this state;
 - (2) Must be able to read and write the English language;
 - (3) Must not have been found guilty or pled guilty or nolo contendere to the violation of any criminal election law of this state;
 - (4) Must not be a paid employee of any political party;
 - (5) Must not be a paid employee of any person running for any office on the county's ballot;
 - (6) Must not be a candidate for any office to be filled at an election while serving on the county board, except for appearing on the ballot as a candidate for a position in his or her political party;⁴
 - (7) 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 within seven (7) calendar days after the posting of the list of officials for a particular election; and
 - (8) Must not be the spouse of a chairman of a county political party or the spouse of a member of the county board of election commissioner if objection to the service is made within ten (10) calendar days after the posting of the list of officials.⁵
- (c) The county board of election commissioners may choose any person meeting these qualifications and who is willing to serve in this role including but not limited to:
- (1) An employee of the county;
 - (2) A member of the county board of election commissioners;
 - (3) A county clerk;
 - (4) A deputy clerk or employee of the county clerk; or
 - (5) Another eligible person willing to serve as an election coordinator.
- (d)
- (1) In the event that the person considered for appointment as an election coordinator is an employee hired and supervised by an elected county official, the elected county official shall agree that the county board of election commission shall be the sole entity

³ A.C.A. § 7-1-101(11)

⁴ A.C.A. § 7-4-109

⁵ A.C.A. § 7-5-202(a)(2)

instructing the employee regarding the fulfillment of election related duties prior to the coordinator's appointment.

- (2) In the event an eligible election coordinator cannot be identified, the county election commissioner shall designate a member of the county election commission to attend election coordinator training.

§1303 Appointment of the County's Election Coordinator

- (a) The county board of election commissioners shall appoint one person meeting the requirements of §1302 to serve as the county's election coordinator.⁶
 - (1) The county board of election commissioners shall appoint an election coordinator no later than September 1st of the year preceding the year in which the Preferential Primary is held.
 - (2) The county board of election commissioners shall certify the person appointed to serve as the coordinator to the State Board of Election Commissioners in writing no later than October 1st of the year preceding the year in which the Preferential Primary is held.
 - (3) In the event that an election coordinator's office becomes vacant:
 - (A) The county board of election commissioners shall notify the State Board of Election Commissioners when a vacancy occurs;
 - (B) The county board of election commissioners shall appoint a new election coordinator within 30 days of the vacancy; and
 - (C) The county board of election commissioners shall certify the person appointed to fill the vacancy of election coordinator to the State Board of Election Commissioners within 45 days of the vacancy.
 - (4) The county may request in writing to appoint a second qualifying individual to receive election coordinator training for the county.
 - (A) The Director may permit additional person appointed by the county board of election commissioner to attend the training program if space permits.
 - (B) Additional persons appointed by the county board of election commissioner to attend the training program who complete the program may be appointed to replace the election coordinator, if a need arises, without additional training.

⁶ A.C.A. § 7-4-109(e)(4)

- (C) If approved by the Director, any additional persons attending county election coordinator training are not eligible for mileage or compensation from the State Board of Election Commissioners.

§1304 Required Training

- (a) The person appointed as an election coordinator for each county shall attend the instructional portion of the training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election.
- (b)
- (1) In the event that the county board of election commissioners appoints an election coordinator after the preferential primary, the newly appointed coordinator shall attend a special training session within 160 days of being appointed.
- (2) The director shall ensure a special training is made available for any coordinator appointed more than thirty (30) days prior to the next election date established under A.C.A. §7-11-205.

§1305 Examination and Certification of Election Coordinators

- (a) Having attend the instructional portion of the training program the election coordinator shall take an examination of essential skills developed and administered by the State Board of Election Commissioners.
- (1) The State Board shall issue a certification to each coordinator who attended the instructional program and demonstrated competency in the skills essential for conducting an election through the examination process.
- (2) Certification shall be issued by the State Board to each designated trainee who is certified though the training program.

§1306 Compensation

- (a) Upon completion of the instructional component of the training conducted by the State Board of Election Commissioners, the one person appointed to attend election coordinator training is eligible to receive a reimbursement for mileage at the rate established for state employees by state travel regulations⁷

⁷ A.C.A. § 7-4-109(e)(2)

- (b) The one person appointed to attend election coordinator training, who is certified under this rule, and who serves as an election official through the certification of the preferential primary election results shall be eligible to receive \$500 in compensation for attending training.
- (c) If the county board of election commissioners appoints a new election coordinator following the preferential primary, the coordinator shall be eligible to receive mileage for required training only but is not eligible to receive additional compensation.
- (d)
 - (1) All compensation and reimbursement paid under this section shall be paid to the County Treasurer and shall include a statement explaining the purpose of the funds and who is entitled to receive the funds under state law.
 - (2) Mileage for training shall be paid upon receipt of the reporting form approved by the State Board and verification that the coordinator was certified.
 - (3) Payment of the \$500 shall be paid upon verification by the Director that the coordinator who attended training remains an election coordinator for the county at the time the preferential primary is certified.

§1307 Noncompliance

The State Board may withhold funding for county coordinator training attendance from any county that fails to comply with the rules and guidelines developed by the State Board for the administration of election commissioner training, until all requirements are met to the satisfaction of the State Board.⁸

§1308 Training Materials

The State Board of Election Commissioners will provide training materials to each county election commissioner attending training.

⁸ A.C.A. § 7-7-201(b)(3)

ARKANSAS STATE LIBRARY



Agency Certification Form For Depositing Rules At the Arkansas State Library



DOCUMENT SERVICES, ARKANSAS STATE LIBRARY
900 West Capitol Avenue, Suite 100
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For Office Use Only		
Classification Number:		
Name of Agency:		Division/Department/Office:
Contact Person:		Telephone:
Statutory Authority for Promulgating Rules:		
Title of Rule:		
Rule Status	Date Adopted by Agency	Effective Date
<small>(Use drop down to select different status)</small>	MM/DD/YYYY	10 Days After Filing Other: _____ <small>(if other, specify date)</small>
Rule above is proposed and will be replaced by final version		
Financial and/or Fiscal Impact Statement Attached		
<h3>Certification of Authorized Officer</h3> <p>I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.</p> <p>Signature: _____ Date: _____</p> <p>Title: _____</p>		

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT State Board of Election Commissioners
DIVISION N/A
PERSON COMPLETING THIS STATEMENT Daniel J. Shults, Director
TELEPHONE 501-682-1834 **FAX** 501-682-1782 **EMAIL:** Daniel.shults@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 County Election Coordinator Training

- | | | |
|---|--------------|-------------|
| 1. Does this proposed, amended, or repealed rule have a financial impact? | Yes X | 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 X | 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 X |

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;

The election coordinator training will ensure that at least one person in every county has a comprehensive understanding of the election equipment and processes. The rate of \$500 was set to provide a meaningful incentive to (1) take on a different role, (2) pass the test established by Act 1051, and (3) remain in office after training to serve in the preferential primary.

- (b) The reason for adoption of the more costly rule;

In this rule, the SBEC is required to set the level of compensation for the biennial training for election coordinators. Therefore, having set the amount at \$500 plus mileage, any rule setting the amount less than \$500 would qualify as a less costly rule. The SBEC set the rate at \$500 for the reasons stated above.

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

The rule is designed to benefit the public welfare by ensuring that each county has an individual certified as having received technical training in the full operation of the election equipment and processes associated with the election.

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

The SBEC is explicitly required to determine the "method and amount" of compensation under A.C.A. § 7-4-109.

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	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	\$0.00

Next Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	\$0.00

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

Current Fiscal Year

General Revenue	\$44,296.00
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	\$44,296.00

Next Fiscal Year

General Revenue	\$0.00
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
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

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

\$ 44,296.00

Next Fiscal Year

\$ 0.00

The SBEC will pay \$500 to one person in each of the 75 counties once every two years. This totals \$37,500 plus an estimated \$6,796 in mileage. This totals \$44,296 as an estimated cost of the training program per two-year election cycle.

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 **X**

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.