

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State

John Thurston

500 Woodlane Street, Suite 026

Little Rock, Arkansas 72201 -1094

(501) 682 -5070

www.sos.arkansas.gov



Name of Department State Board of Election Commissioners

Agency or Division Name N/A/

Other Subdivision or Department, If Applicable N/A

Previous Agency Name, If Applicable N/A

Contact Person Chris Madison - Director

Contact E-mail Chris.Madison@Arkansas.gov

Contact Phone 501-682-1447

Name of Rule Rules for Reimbursement of Expenses for State-Funded Elections

Newspaper Name Arkansas Democrat Gazette

Date of Publishing February 9th, 10th, and the 11th of 2024.

Final Date for Public Comment March 11, 2024

Location and Time of Public Meeting: N/A



STATE OF ARKANSAS
SARAH HUCKABEE SANDERS GOVERNOR

Request for Governor's Approval of Proposed Rule or Regulation

Department /Agency: State Board of Election Commissioners

Short Title of Rule: Rules for Reimbursement of Expenses for State Funded Elections

New Rule: ☐ Yes ☒ No

Amendment to Existing Rule: ☒ Yes ☐ No

State Mandate: ☒ Yes ☐ No

Federal Mandate: ☐ Yes ☒ No

If yes, please provide the legal citation of the mandate: Acts 329, 356, and 743 of 2023 and A.C.A. § 7-7-201(b)(2)

Legal Authority for Rule: A.C.A. §§ 7-7-201(b)(2).

Proposed Effective Date: May 1, 2024

Emergency Rule: ☐ Yes ☒ No

Expedited Rule Requested: ☒ Yes ☐ No

Summary of Proposed New Rule or Proposed Amendment to Existing Rule:

This amendment, began by incorporating statutory changes made effective by Acts, 329, 356, and 743 of 2023. Act 329 requires two (2) poll workers transport ballots; the amendment permits mileage reimbursement for these two poll workers from each polling location. Act 356 established a new minimum commissioner pay, and is reflected in the amended Rule. Act 743 established that the State would not reimburse a county for the increased costs of conducting a hand marked and hand counted election. Further, while amending the Rule to comply with that Act, additional amendments are proposed which further protects the State from unreasonable liability for unnecessary county expenses. Lastly, it provides some modifications to comply with BLR codification program rules.

Financial Impact: ☐ Yes ☐ No ☒ Unknown; If yes or unknown, please explain:

The rule establishes limitations on the State's liability to reimburse county governments in certain categories of expenses which are currently uncapped. These clarifying limitations will deter or prevent state reimbursement liability for unnecessary election costs expended by county governments.

Public Hearing Occurred on Rule: ☐ Yes ☒ No

Controversial: ☐ Yes ☒ **No**

If yes, please explain and provide detail of expected opposition.

Two Rules Repealed: No **Exception from the Governor:** Yes

First Rule Repealed:

Brief explanation of why repeal is appropriate:

Second Rule Repealed:

Brief explanation of why repeal is appropriate:

Documents Required for Approval Process

Please note that the Governor's office will not begin the approval process if any of the following applicable documents are not enclosed with the approval request.

- X BLR Questionnaire
- X BLR Financial Impact Statement
- X Proposed Rule - clean version
- X Mark-Up of Rule, if amended from previous version
- X Copy of Act or Regulation, if Rule is pursuant to State or Federal mandate

Contact Information

Department POC for Rules Process: Chris Madison – Director
Chris.Madison@Arkansas.gov

Department POC for this Rule: Chris Madison – Director
Chris.Madison@Arkansas.gov

NOTE: All documents must be returned to the Governor's Counsel as a single PDF file.

**QUESTIONNAIRE FOR FILING PROPOSED RULES
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT: Independent Agency

BOARD/COMMISSION: State Board of Election Commissioners

BOARD/COMMISSION DIRECTOR: Chris Madison

CONTACT PERSON: Chris Madison

ADDRESS: 501 Woodlane Street, Ste. 122S, Little Rock, Arkansas, 72201

PHONE NO.: 501-682-1447 **EMAIL:** Chris.Madison@Arkansas.gov

NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING: Director Chris Madison

PRESENTER EMAIL(S): Chris.Madison@Arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach:

- X (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes;
- X (2) both a markup and clean copy of the rule; and
- X (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

- * 1. What is the official title of this rule?

Rules for Reimbursement of Expenses for State-Funded Elections

2. What is the subject of the proposed rule? **State reimbursement funding of County Election Expenses for certain elections.**

3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? **No**

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? N/A

4. Is this rule being filed for permanent promulgation? Yes

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? No

If yes, what was the effective date of the emergency rule? N/A.

On what date does the emergency rule expire? N/A.

5. Is this rule required to comply with a *federal* statute, rule, or regulation? No.

If yes, please provide the federal statute, rule, and/or regulation citation. **The Rule and its enabling statute are necessary to comply with the federal constitution as interpreted by the 8th Circuit Court of Appeals.**

6. Is this rule required to comply with a *state* statute or rule? Yes

If yes, please provide the state statute and/or rule citation. **This rule is necessary to comply with A.C.A. 7-7-201(b)(2) which requires this rule be promulgated. This statute requires the SBEC to reimburse the cost of primary elections and was necessary to comply with *Republican Party of Ark. v. Faulkner Cnty. Ark.*, 49 F.3d 1289 (8th Cir. 1995). This amendment to the rule is required by Acts 329, 356, and 743 of 2023. Act 329 requires two (2) poll workers transport ballots to the central count location. Act 356 establishes minimum compensation for county election commissioners. Act 743 establishes limitations on state funding for counties which require hand counts in place of certified tabulation devices.**

7. Are two (2) rules being repealed in accord with Executive Order 23-02? No.

If yes, please list the rules being repealed.

If no, please explain.

This is not a new rule but an amendment to a rule required by law and is not a regulation on Arkansas citizens. The rule is only applicable to county governments. The amendment in question either implements Acts from the 2023 General Assembly or establishes new limitations on the amount of state funds which can be expended under the rule.

8. Is this a new rule? No.

Does this repeal an existing rule? No.

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? **Yes.**

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup. **See Attached, Draft Markup and Draft Clean Copies.**

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s). **A.C.A. § 7-7-201(b)(2).**

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly? **Yes.**

If yes, please provide the year of the act(s) and act number(s). **Acts 329, 356, and 743 of 2023.**

11. What is the reason for this proposed rule? Why is it necessary? **To incorporate the changes created by Acts 329, 356, and 743 of 2023. The amendment clarifies that the state will reimburse mileage for two poll workers who are now required to transport ballots from the poll to the central location. The amendment also complies with the new payment structure for county election commissioners created by Act 356. The amendment also confirms the statutory requirement that the state will not reimburse expenses for hand counting ballots per the requirements of Act 743. Administrative changes are also made with this amendment to set limits on certain categories of expenses and to clarify ambiguous portions of the existing rule. Lastly, the rule is amended to conform to BLR styling and linguistic applications.**

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1). **<https://www.arkansas.gov/sbec/rules/>**

13. Will a public hearing be held on this proposed rule? **No.**

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

2. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. **March 11, 2024.**

3. What is the proposed effective date for this rule? **May 1, 2024.**

4. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice. See Attached.

Copy of the Notice.

Proof of Publication will be added following publication on February 9, 10, and 11, 2024.

Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A). **See Attached “Arkansas Register – Proposed Rule Cover Sheet”**

5. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known. **None.**

6. Is the rule expected to be controversial? **No.**

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT: Independent Agency

BOARD/COMMISSION: State Board of Election Commissioners

PERSON COMPLETING THIS STATEMENT: Chris Madison - Director

TELEPHONE NO.: 501-682-1447

EMAIL: Chris.Madison@Arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents.

Please attach additional pages, if necessary.

TITLE OF THIS RULE: Rules for Reimbursement of Expenses for State-Funded Elections.

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes.
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.
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes.

If no, please explain:

- (a) how the additional benefits of the more costly rule justify its additional cost;
 - (b) the reason for adoption of the more costly rule;
 - (c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and
 - (d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.
4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
N/A.
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Other (Identify)_____

Other (Identify)_____

Total: **\$0**

Total: **\$0**

(b) What is the additional cost of the state rule? **None**

Current Fiscal Year

Next Fiscal Year

General Revenue: **\$0**

General Revenue: **\$0**

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify)_____

Other (Identify)_____

Total: **\$0**

Total: **\$0**

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

Current Fiscal Year

Next Fiscal Year

\$0

\$0

6. What is the total estimated cost by fiscal year to a state, county, or 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

Next Fiscal Year

\$0

\$0

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?

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.

STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane, Suite 122 South
Little Rock, Arkansas 72201
(501) 682-1834 or (800) 411-6996



Secretary of State
John Thurston
Chairman

Sharon Brooks
Jamie Clemmer
Bilenda Harris-Ritter
William Luther
J. Harmon Smith
Johnathan Williams
Commissioners

Chris Madison
Director

Jon Davidson
Educational Services Manager

Charlie Morris
Election Administration Supervisor

Tena Arnold
Business Operations Manager

Executive Summary of the 2023 Proposed Amendment to the RULES FOR REIMBURSEMENT OF EXPENSES FOR STATE- FUNDED ELECTIONS

The State Board of Election Commissioners met on August 15, 2023, and approved changes to the “Rules for Reimbursement of Expenses for State-Funded Elections.” This proposed amendment is being promulgated to incorporate changes approved by Acts 329, 356, and 743 of 2023.

PURPOSE AND SUMMARY OF SUBSTANTIVE CHANGES

This amendment is because of the adoption of Acts 329, 356, and 743 of 2023.

Act 329 established a requirement that two (2) poll workers transport ballots from the polls to the central location. The amendment is necessary to include this change for mileage reimbursement as part of a State-Funded election.

Act 356 established new minimum pay for county election commissioners. This new amount and additional compensation if the Commissioner acts as the county’s coordinator had to be incorporated into the reimbursement structure governed by this rule.

Act 743 established a limitation on state funding for hand counted paper ballots. If a county chooses to utilize hand counting in lieu of current tabulation equipment and methods, the State will not reimburse the county for the increased costs caused by the hand counting process selected by the county.

ADDITIONAL DISCUSSION

The Rule is amended to establish caps on certain expense items that were not previously capped. The amendment seeks to limit these expenses by clarifying what is and is not reimbursable and limitations on those categories. Lastly, stylistic changes are proposed to comply more closely with BLR style guides.

NOTICE OF RULEMAKING

Pursuant to the Administrative Procedure Act, notice is hereby given that the State Board of Election Commissioners (Board) is proposing to amend the following: (1) Rules for Poll Watchers, Vote Challenges, and Provisional Voting; (2) Rules of Procedure for Citizen Complaint Regarding Violations of State Election and Voter Registration Law; (3) Rules for Reimbursement of Expenses for State-Funded Elections; (4) Rules for the Verification of Voter Registration; and (5) Rules of Practice and Procedure.

These amendments reflect changes enacted during the 94th General Assembly. You may view the proposed amended rules and their accompanying Executive Summaries at www.arkansas.gov/sbec/rules or you may obtain copies by contacting the Board by email at info.sbec@arkansas.gov, by phone at 501-682-1834, or by mailed request to: Arkansas State Board of Election Commissioners, 501 Woodlane, Suite 122S, Little Rock, AR 72201.

You may provide written comments regarding these proposed amendments. Comments must be received by 4:30 p.m. on Monday, March 11, 2024. Comments may be sent by email to info.sbec@arkansas.gov or by mail to: Arkansas State Board of Election Commissioners, 501 Woodlane, Suite 122S, Little Rock, AR 72201.

**RULES
FOR
REIMBURSEMENT OF EXPENSES
FOR
STATE-FUNDED ELECTIONS**

(Effective February 6, 2004; Revised -----)



STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane, Suite 122 South

Little Rock, Arkansas 72201

(501) 682-1834 or (800) 411-6996

www.arkansas.gov/sbec

DRAFT – CLEAN COPY

Scope of Rules

These rules set forth general procedures for distribution of funds from the State to the counties for election expenses related to state-funded elections. These rules are in addition to, and not a substitute for, the laws of the State of Arkansas.

§ 501 Definitions

- (a) Canvassing - examining and counting the returns of votes cast at a public election to determine authenticity.
- (b) County Board – the county board of election commissioners.
- (c) Election Expenses - for the purpose of these rules, costs incurred by a county for conducting a state-funded election, including poll workers pay, extra help pay, mileage expenses, election commissioners pay, supply costs, programming costs, ballot printing costs, legal advertising costs, and facility fees, as specified in the reimbursement rules and guidelines established by the State Board of Election Commissioners.
- (d) Election Official - is a member of the county board, one who performs election coordinator duties, one who is a poll worker designated by a county board 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.
- (e) Electronic Vote Tabulating Device - a device, commonly referenced as an optical scanner, used to electronically scan a marked paper ballot for the purpose of tabulation.
- (f) Extra Help - temporary full-time, temporary part-time or contract labor employed by a county to assist the county board. For the purpose of these rules, a temporary county employee is defined as any person employed only during limited parts of the year to assist county election commissions in conducting elections.
- (g) Nonpartisan General Election - the regular biennial election held on the same date and at the same time and places as for a preferential primary election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, prosecuting attorney, and district judge.
- (h) Off-site Early Voting - polling sites for early voting that are located outside the office of the county clerk and are under the direction and supervision of the county board.
- (i) Permanent County Employee - any person, who is not “Extra Help” as defined by these rules, one who is employed by the county on a permanent full-time or permanent part-time basis.
- (j) Polling Site - a location selected by the county board where votes are cast.
- (k) Poll Worker - an election official designated by the county board to be an election clerk, election judge or election sheriff at a polling site.

DRAFT – CLEAN COPY

- (l) Primary Election - any election held to select the nominees of a political party for election at any general or special election in this state.
- (m) Public meeting - any gathering consistent with the definition established under the Arkansas Freedom of Information Act of 1967, A.C.A. § 25-19-101, et. seq.
- (n) Special election - any specially scheduled election to fill vacancies or to approve any measure.
- (o) State Board - the state board of election commissioners.
- (p) State-funded elections - preferential primary elections, general primary elections, special primary elections, nonpartisan general elections, and statewide special elections.
- (q) Vote Center – an election day location designed by the county board at which a qualified elector from any precinct in the county holding the election may vote.
- (r) Voting system - the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. “Voting system” also includes the practices and documentation used to identify system components and versions of components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system changes to be made to a system after the initial qualification of the system; and make available any materials to the voter, including without limitation notices, instructions, forms, or paper ballots.

§ 502 State Funding of Elections

- (a) The State Board is statutorily charged with funding elections designated by law as state-funded using funds appropriated to the State Board for election expenses of the State Board and for election expenses of a county board.
- (b) State-Funded Elections include;
 - (1) preferential primary elections;
 - (2) general primary elections;
 - (3) special primary elections;
 - (4) nonpartisan general elections; and
 - (5) statewide special election. See A.C.A. §§ 7-4-101(f)(11); 7-7-201(a).

§ 503 Withholding of State Funding

- (a) The State Board may withhold funding for eligible state-funded election expenses from any county that fails to comply with the rules developed by the State Board for the administration of primary elections or fails to comply with applicable state election laws, until all requirements are met to the satisfaction of the State Board. A.C.A. § 7-7-201(b)(3).

DRAFT – CLEAN COPY

- (b) Failure to comply with the rules and guidelines for reimbursement of expenses for state-funded elections established by the State Board, or failure to deliver to the Secretary of State certified results of the election and any additional election information designated by the Secretary of State may result in withholding of funding for eligible state-funded election expenses to the county, until all requirements are met to the satisfaction of the State Board. See A.C.A. §§ 7-5-701(c)(2), 7-4-101(f), 7-4-121(b)(election audits), and 7-5-707.

§ 504 Advance Funding

- (a) Following each regular legislative session, the State Board will establish an estimated average cost per registered voter by county for conducting statewide special elections and for conducting preferential primary elections based upon databases of comparative state-funded election costs maintained by the State Board.
- (b) A county is eligible to receive funding from the State Board before any statewide special election or preferential primary election upon proper request made to the State Board by the county board.
- (c) The request must be in writing under the signature of all three (3) commissioners and received by the State Board at least thirty (30) days before the statewide special election or preferential primary election.
- (d) Upon review and approval by staff, the county treasurer will receive funding from the State Board based upon one half (1/2) of the county's previously estimated cost per registered voter for conducting the election, or a minimum of two thousand five hundred dollars (\$2,500) for a statewide special election or five thousand dollars (\$5,000) for a preferential primary election, whichever is greater.
- (e) The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

§ 505 Funding of Eligible Expenses

- (a) Before each state-funded election, the State Board will furnish each county board with comprehensive guidelines, instructions and worksheets for requesting payment from the State Board for eligible state-funded election expenses.
- (b) After each state-funded election, the county board must submit to the State Board copies of invoices, receipts, and all other required documentation in support of eligible election expenses incurred in conducting the state-funded election.
- (c) A county is eligible to receive funding from the State Board after the state-funded election upon proper request made to the State Board by the county board. The county board may designate one or more persons to submit its county's request for reimbursement to the State Board.

DRAFT – CLEAN COPY

- (d) A county must follow all instructions and submit its request according to the State Board's rules and guidelines to maximize receipt of funding for eligible state-funded election expenses from the State Board.
- (e) Upon review by staff and approval by the State Board, each county treasurer will receive funding from the State Board for eligible state-funded election expenses as defined by rule. The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

§ 506 Uniform and Consistent Funding

These rules are designed to maintain a high level of fiscal accountability in election administration by:

- (1) Providing the uniform and consistent distribution of funds for the reimbursement of eligible expenses from the State Board to the counties;
- (2) Requiring compliance with election laws and procedures to be eligible for reimbursement; and
- (3) Providing information needed for the development of databases of comparative election costs.

§ 507 Eligible State-Funded Election Expenses

- (a) Poll Workers Pay is reimbursed pursuant to the following provisions:
 - (1) Eligible poll worker pay includes funding for poll workers working polling sites on election day, funding for poll workers working off-site early voting polling sites, and funding for poll workers who attend training as specified under separate rule.
 - (2) A county is eligible to receive funding at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked up to a maximum of fourteen (14) hours by a poll worker at an election day polling location.
 - (3) In addition to the poll worker pay, a county is eligible to receive a maximum \$25 payment for one election judge per poll on election day.
 - (4) A county is eligible to receive the current federal or state minimum wage, whichever is greater at the time of the state-funded election, and applicable overtime wages if required by law, for the actual number of hours worked by a poll worker at an off-site early voting polling site outside of the county clerks' office and under the direction and supervision of the county board.

DRAFT – CLEAN COPY

- (5) A county is eligible to receive an additional one-time payment per poll worker who attends training conducted by a State Board-certified trainer and who works the preferential primary election immediately following the training. This payment shall be governed by the “Rules for Poll Worker Training.” However, the payment may be included in the disbursement paid under this rule.
 - (6) A county is eligible to receive funding for an average of six (6) eligible poll workers per precinct per state-funded election.
- (b) Extra Help Pay is reimbursed pursuant to the following provisions:
- (1) Eligible extra help pay includes:
 - (A) funding for workers designated by the county board to prepare, package and deliver election materials to poll workers for each polling site;
 - (B) funding for poll workers designated to return election materials to the county board after the closing of the poll;
 - (C) funding for workers to unpack and store election materials after the election;
 - (D) funding for election clerks processing absentee ballots; and
 - (E) funding for election officials designated to tabulate the vote.
 - (2) A county is eligible to receive funding for eligible extra help at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked.
- (c) Extra Deputy Pay is reimbursed pursuant to the following provisions:
- (1) A county is eligible to receive funding for one (1) extra deputy to the county clerk for the purpose of carrying out the requirements of absentee and early voting, at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, and applicable overtime wages if required by law, for the actual number of hours worked per day up to the maximum number of hours per day allowable by law, for a period not to exceed thirty-five (35) days per state-funded election.
 - (2) A county with two county seats may receive funding for one (1) additional deputy county clerks subject to the same limitations in the maximum number of hours.
- (d) Mileage Expenses are reimbursed pursuant to the following provisions:
- (1) Eligible mileage expenses include funding for the mileage of personnel designated by the county board to deliver election materials to poll workers for each polling site and funding for poll workers designated by the county board to return election materials to the county board after the closing of the poll at the same mileage rate prescribed for state employees

DRAFT – CLEAN COPY

in state travel regulations. A.C.A. § 7-4-112(b).

- (2) A county may pay up to two poll workers per poll to return ballots to the central count location when a poll is closed.

(e) Election Commissioners Pay is reimbursed pursuant to the following provisions:

- (1) A county is eligible to receive funding for election commissioners pay of \$125 per public meeting attended when official business is conducted, up to a maximum of ten (10) public meetings per commissioner per state-funded election.
- (2) Public meetings as defined under the Arkansas Freedom of Information Act include but are not limited to drawing of ballot position, certification of ballots, selection or alteration of location or boundaries of precincts or polling sites, designation of election officials, correction of errors or omissions of ballots, canvassing and certification of election results, canvassing and certification of a recount, and election day.
- (3)(A) A county is eligible to receive funding for the hourly wages of a county election commissioner if:
 - (i) The county board has not voted to appoint a county employee as an election coordinator;
 - (ii) The wages of an individual election commission do not exceed 40 hours in the state funded election being reimbursed;
 - (iii) The rate of compensation does not exceed \$15 per hour; and
 - (iv) The hours would otherwise be reimbursable as extra help or contract labor under this rule.
- (2) A county may pay a county board member hourly wages in excess of those eligible for reimbursement under this rule.

(f) Supply Costs are reimbursed pursuant to the following provisions:

- (1) Eligible Supply Costs include funding for disposable supplies such as pens, pencils, pads, tape, magnifying sheets/glasses, spools of string for marking electioneering areas, ballot marking instruments/devices, envelopes, ballot boxes, seals, stub boxes, election kits, paper, postage for mailing absentee application requests and ballots and for official notice to poll workers and polling sites, and paper products necessary for the operation of the voting equipment.
- (2) A county may only receive funding for quantities applicable to the specific state-funded election for which it seeks funding.

DRAFT – CLEAN COPY

(3) In a county in which the county board conducts early voting or maintains vote centers, the county is eligible to receive reimbursement for the cost of internet service necessary to support the poll tablet system subject to the following limitations:

- (A) In the event that the county maintains year-round internet service for its elections, the reimbursable cost is limited to the payment for the time period in which the state-funded election occurred.
- (B) The cost of internet services in a single election shall not exceed \$40 per the combined number of polling sites, vote centers, and off-site early voting locations.

(g) Programming Costs are reimbursed pursuant to the following provisions:

- (1) Eligible programming costs include funding for programming and testing of voting machines and electronic vote tabulating devices for state-funded elections, funding for technical support and funding for labor, mileage, and truck rental, if necessary, for transportation of voting machines and precinct tabulating devices to and from polling sites. See A.C.A. §§ 7-5-301(m)(2); 7-5-515(a), (b); 7-5-611(a)(1).
- (2) A county is eligible to receive a maximum \$25 per hour for testing voting machines and electronic vote tabulating devices.
- (3) A county is eligible to receive a maximum \$1,080 per state-funded election for contracted technical support authorized under A.C.A. § 7-5-301(g).
- (4) A county is eligible to receive the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked by extra help designated by the county board to transport voting machines and electronic vote tabulating devices to and from the polling sites, plus truck rental fees or mileage expenses at the same mileage rate prescribed for state employees in state travel regulations.

(h) Ballot Printing Costs are reimbursed pursuant to the following provisions:

- (1) Counties are eligible to receive funding for printing a number of absentee ballots, provisional ballots, and emergency ballots not to exceed the greater of:
 - (A) the 35 ballots per ballot style; or
 - (B) one and one half (1.5) times the number of absentee voters and provisional voters at the last preceding comparable election.
- (2) A county using ballot marking devices is eligible to receive funding for the purchase of ballot stock equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.

DRAFT – CLEAN COPY

- (3) A county using pre-printed paper ballots counted by electronic vote tabulating devices is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.
- (4) In a state-funded primary election in which a county is using pre-printed ballots counted by electronic vote tabulating devices, a county is eligible to receive additional funding for the printing a number of separate nonpartisan/special election ballots for the nonpartisan general election and any special election that is held on the same dates, times, and places as the preferential primary election equivalent to one and one half (1.5) times the number of electors voting a separate nonpartisan/special election paper ballot at the last preceding comparable election.
- (5) A county is eligible to receive funding for printing a number of “special runoff ballots” equivalent to a maximum of one and one half (1.5) times the total number of overseas absentee ballot requests received at the last preceding comparable election or one and one half (1.5) times the total number of overseas absentee voters voting on paper ballots at the last preceding comparable election, whichever is greater.
- (6) A county is eligible to receive funding for printing sample ballots required by law.
- (7) Beginning with the 2026 election cycle, these calculations shall be based on the vote totals reported in the Ballot Disposition Report for the election in question. Reimbursement shall not be made for expenses governed by this subsection (h) unless a ballot disposition report is on file with the State Board.
- (i) Legal Advertising Costs are reimbursed pursuant to the following provisions:
 - (1) Eligible legal advertising costs include:
 - (A) One (1) publication of the notice of the meeting in which the order of the candidates on the ballot is determined as required under A.C.A. §§ 7-5-207 & 7-7-305;
 - (B) Two (2) publications of the notice of election required under A.C.A. § 7-5-202;
 - (C) One (1) publication of the notice that voting machines will be prepared as required under A.C.A. § 7-5-516;
 - (D) One (1) publication of the notice of the public test of the voting equipment as required under A.C.A. § 7-5-515;
 - (E) One (1) publication of the notice of the tabulation device testing as required under A.C.A. § 7-5-611; and
 - (F) One (1) publication of the calling document for statewide special elections and special primary elections.
 - (2) A county must provide a copy of the publication proof provided by the publisher to be eligible to receive reimbursement for eligible advertising costs.

DRAFT – CLEAN COPY

(j) Facility Fees are reimbursed pursuant to the following provisions:

- (1) Eligible facility fees include fees charged to a county by a facility to offset the cost of using the facility as an election day or off-site early voting polling site for a state-funded election. A county is eligible to receive a maximum of \$40 per each facility that requests payment from the county for its use as an election day polling site.
- (2) A county is eligible to receive \$40 per day per each facility that requests payment from the county for its use as an off-site early voting polling site, up to a maximum of \$4,000 per county per state-funded election.
- (3) A county must provide the State Board with a copy of an invoice from each facility to be eligible to receive funding from the State Board.

§ 508 Ineligible State-Funded Election Expenses

(a) Poll Workers Pay reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding for a volunteer election page serving as a poll worker on election day.
- (2) The State Board will not provide funding for poll workers who have not received the required training coordinated by the State Board within 12 months of the date of the state-funded election.

(b) County Employee Pay reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding to reimburse wages or salary of a permanent full-time or permanent part-time county employee.
- (2) An individual is considered a permanent part-time county employee under this rule if the individual:
 - (A) Works more than 500 hours in a single election; or
 - (B) Is considered a permanent part-time employee by the county.

(c) Extra Help Pay reimbursements are limited by the following provisions:

- (1) The total hours reimbursed for the preparation of election materials shall not exceed:
 - (A) 900 hours in a county with over 100,000 registered voters;
 - (B) 600 hours in a county with between 100,000 and 50,000 registered voters; and
 - (C) 300 hours in a county with less than 50,000 registered voters.

DRAFT – CLEAN COPY

- (2) The total hours reimbursed for the unpacking and storage of election materials shall not exceed:
 - (A) 400 hours in a county with over 100,000 registered voters;
 - (B) 200 hours in a county with between 100,000 and 50,000 registered voters; and
 - (C) 100 hours in a county with less than 50,000 registered voters.
 - (3) The total hours reimbursed for contract labor related to the testing of voting equipment shall not exceed:
 - (A) 300 hours in a county with over 100,000 registered voters;
 - (B) 150 hours in a county with between 100,000 and 50,000 registered voters; and
 - (C) 100 hours in a county with less than 50,000 registered voters.
 - (4) The total hours reimbursed for contract labor to transport voting equipment shall not exceed:
 - (A) 500 hours in a county with over 100,000 registered voters;
 - (B) 200 hours in a county with between 100,000 and 50,000 registered voters; and
 - (C) 100 hours in a county with less than 50,000 registered voters.
 - (5) The hourly wage costs associated with counting ballots shall not be reimbursed by the State Board if the quorum court of the county in question has voted to hand-count ballots pursuant to A.C.A. §7-5-301(c)(1).
- (d) Mileage Expenses will not be reimbursed by the State Board if the expenditure is incurred by:
- (1) A county election commissioner for travel to and from public meetings; or
 - (2) A poll worker's travel to and from the polling site, except as provided by law for delivery of election materials and voting equipment.
- (e) Election Commissioners Pay expenses will not be reimbursed except as provided for in §506 of this rule.
- (f) Supply Cost reimbursements are limited by the following provisions:
- (1) The State Board will not provide funding for capital or leasehold improvements to polling sites.

DRAFT – CLEAN COPY

- (2) The State Board will not provide funding for non-expendable equipment and supplies such as voting booths, electric pencil sharpeners, thermal binding machines, pagers, outlet strips, extension cords, adapters, phone cords, and expensive metal signage.
 - (3) The State Board will not provide funding for expendable supplies such as batteries, copier toner, printer toner cartridges, printer ribbons, ~~diskettes~~, hanging file folders, manila file folders, binders, “I Voted” stickers, and flags.
 - (4) The State Board will not provide funding for the cost of binding voter books, for reproduction of poll worker training material, for phone lines, phone services ~~or internet services~~, for portable toilet rental, for furniture rentals, for return postage, or for food.
- (g) Voting System Costs will not be reimbursed by the State Board if the expenditure is described below:
- (1) The purchase of new or used voting systems; or
 - (2) The leasing, rental, maintenance, or depreciation of voting systems.
- (h) Programming Costs reimbursements are limited by the following provisions:
- (1) The State Board will not provide funding for:
 - (A) Re-programming due to county error; ;
 - (B) Re-programming due to vendor error; or
 - (C) Programming of duplicative ballot styles which cause the county to pay for more than fifty percent more ballot styles than the election requires.
 - (2) The State Board will not reimburse the additional costs of nonpartisan ballots under §507(h)(4) unless the number of nonpartisan ballots cast in the prior preferential primary is documented on the reimbursement request.
- (i) Ballot Printing Costs reimbursements are limited by the following provisions:
- (1) The State Board will not provide funding for ballot printing reruns due to county or vendor error.
 - (2) The State Board will not provide funding for overages in ordering and printing ballots, except by prior written request to the State Board with prior written approval by the State Board.
 - (3) The county ~~and~~ or the vendor will be financially responsible for excessive printing of paper ballots.
 - (4) The cost associated with producing pre-printed ballots shall not be reimbursed by the State

DRAFT – CLEAN COPY

Board if the quorum court of the county in question has voted to hand-count ballots pursuant to A.C.A. §7-5-301(c)(1).

(j) Legal Advertising Costs will not be reimbursed by the State Board if the expenditure is described below:

- (1) Advertising the list of appointed election officials;
- (2) Advertising for poll worker training;
- (3) Advertising in excess of that required by law as defined previously;
- (4) Re-advertising due to county error;
- (5) Colored advertising; or
- (6) costs related to advertising on:
 - (A) Radio,
 - (B) Television broadcasting, or
 - (C) Social media.

(k) Facility Fees reimbursements are limited in that the State Board will not provide funding for reimbursing individuals hired to clean facilities used as polling sites.

(l) Other reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding for any penalties assessed to a county by any vendor, such as a surcharge assessed to a county by a vendor for missing deadlines established by the vendor.
- (2) The State Board will not consider requests for advance funding for state-funded general primary (run-off) elections or special primary elections.
- (3) The State Board will review all shipping and handling fees in excess of \$500 for consideration of payment on a case-by-case basis.
- (4) County funds must be used for funding any election-related expenses incurred by the county in conducting a state-funded election that fall outside the scope of funding by the State Board as defined by rule.
- (5) A county may appeal to the State Board for reconsideration of any otherwise eligible expense that is disqualified by the State Board for exceeding maximums established by State Board rules and guidelines.
- (6) If a court orders a new election as a result of a contested election, the State Board will consider the criteria for funding the expenses of the new court-ordered election, on a case-by-case basis.

DRAFT – MARKUP COPY

Agency # 108.00

**RULES
FOR
REIMBURSEMENT OF EXPENSES
FOR
STATE-FUNDED ELECTIONS**

(Effective February 6, 2004; Revised -----)



STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane, Suite 122

South 401N Little Rock,

Arkansas 72201

(501) 682-1834 or (800) 411-6996

www.arkansas.gov/sbec

TABLE OF CONTENTS

Scope of Rules.....	3
§ 500 501 Definitions.....	3
§ 501 502 State Funding of Elections.....	5
§ 502 503 Withholding of State Funding.....	5
§ 503 504 Advance Funding.....	5
§ 504 505 Funding of Eligible Expenses.....	6
§ 505 506 Uniform and Consistent Funding.....	6
§ 506 507 Eligible State Funded Election Expenses	
A. Poll Workers Pay.....	7
B. Extra Help Pay.....	7
C. Extra Deputy Pay.....	8
D. Mileage Expenses.....	8
E. Election Commissioners Pay.....	8
F. Supply Costs.....	8
G. Programming Costs.....	9
H. Ballot Printing Costs.....	9
I. Legal Advertising Costs.....	10
J. Facility Fees.....	11
§ 507 508 Ineligible State Funded Election Expenses	
A. Poll Workers Pay.....	11
B. County Employee Pay.....	11
C. Mileage Expenses.....	11
D. Election Commissioners Pay.....	11
E. Supply Costs.....	11
F. Voting System Costs.....	12
G. Programming Costs.....	12
H. Ballot Printing Costs.....	12
I. Legal Advertising Costs.....	12
J. Facility Fees.....	13
K. Other.....	13

Scope of Rules

These rules set forth general procedures for distribution of funds from the State to the counties for election expenses related to state-funded elections. These rules are in addition to, and not a substitute for, the laws of the State of Arkansas.

§ ~~500~~ 501 Definitions

- (a) Canvassing - examining and counting the returns of votes cast at a public election to determine authenticity.
- (b) ~~County Board of Election Commissioners – the 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 its respective county, which including includes 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.~~
County Board of Election Commissioners – the 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 its respective county, which including includes 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.
- (c) Election Expenses - ~~for the purpose of these rules,~~ costs incurred by a county for conducting a state-funded election; including poll workers pay, extra help pay, mileage expenses, election commissioners pay, supply costs, programming costs, ballot printing costs, legal advertising costs, and facility fees, as specified in the reimbursement rules and guidelines established by the State Board of Election Commissioners.
- (d) Election Official - ~~a person who is a member of the county board of election commissioners, a person one~~ who performs election coordinator duties, ~~a person one~~ 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.
- (e) Electronic Vote Tabulating Device - a device, commonly referenced as an optical scanner, used to electronically scan a marked paper ballot for the purpose of tabulation.
- (f) Extra Help - temporary full-time, temporary part-time or contract labor employed by a county to assist the county board of election commissioners. For the purpose of these rules, a temporary county employee is defined as any person employed only during limited parts of the year to assist county election commissions in conducting elections.
- (g) Nonpartisan General Election - the regular biennial election held on the same date and at the same time and places as for a preferential primary election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, prosecuting attorney, and district judge.
- (h) Off-site Early Voting - ~~additional~~ polling sites for early voting that are located outside the office of the county clerk and are under the direction and supervision of the county board of election commissioners.

- (i) Permanent County Employee - any person, who is not “Extra Help” as defined by these rules, one who is employed by the county on a permanent full-time or permanent part-time basis.
- (j) Polling Site - a location selected by the county board ~~of election commissioners~~ where votes are cast.
- (k) 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.
- (l) Primary Election - any election held to select the nominees of a political party for election at any general or special election in this state.
- (m) Public meeting - any gathering consistent with the definition established under the Arkansas Freedom of Information Act of 1967, A.C.A. § 25-19-101, et. seq.
- (n) Special election - any specially scheduled election to fill vacancies or to approve any measure.
- (o) State Board - the state board of election commissioners.
- ~~(p)~~ (p) State-funded elections - preferential primary elections, general primary elections, special primary elections, nonpartisan general elections, and statewide special elections.
- ~~(p)~~ (q) ~~Voting machine—either a direct recording electronic voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter, processes the data by means of a computer program, records voting data and ballot images in internal and external memory components, and produces a tabulation of the voting data stored in a removable memory component and in a printed copy or one (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic vote tabulating device.¹⁰~~
- Vote Center – an election day location designed by the county board at which a qualified elector from any precinct in the county holding the election may vote.
- ~~(q)~~ (r) Voting system - the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. “Voting system” also includes the practices and documentation used to identify system components and versions of components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system changes to be made to a system after the initial qualification of the system; and make available any materials to the voter, including without limitation notices, instructions, forms, or paper ballots.

§501 502 State Funding of Elections

- (a) The State Board of Election Commissioners, hereinafter referred to as the “State Board,” is

statutorily charged with funding ~~political party primary elections~~ elections designated by law as state-funded ~~from using~~ funds appropriated to the State Board for election expenses of the State Board and for election expenses of the a county board, s” ~~of election commissioners hereinafter referred to as the “county boards,”~~

(b) State-Funded Elections include for concluding :

- (1) preferential primary elections;
- (2) general primary elections;
- (3) special primary elections;
- (4) nonpartisan general elections; and
- (5) statewide special election. See A.C.A. §§ 7-4-101(f)(11); 7-7-201(a).

§ ~~502~~ 503 Withholding of State Funding

- (a) The State Board may withhold funding for eligible state-funded election expenses from any county that fails to comply with the rules developed by the State Board for the administration of primary elections or fails to comply with applicable state election laws, until all requirements are met to the satisfaction of the State Board. A.C.A. § 7-7-201(b)(3).
- (b) Failure to comply with the rules and guidelines for reimbursement of expenses for state-funded elections established by the State Board, or failure to deliver to the Secretary of State certified results of the election and any additional election information designated by the Secretary of State ~~will~~ may result in withholding of funding for eligible state-funded election expenses to the county, until all requirements are met to the satisfaction of the State Board. See A.C.A. §§ 7-5-701(c)(2) 7-4-101(f),; 7-4-121(b)(election audits), and 7-5-707.

§ ~~503~~ 504 Advance Funding

- (a) Following each regular legislative session, the State Board will establish an estimated average cost per registered voter by county for conducting statewide special elections and for conducting preferential primary elections based upon databases of comparative state-funded election costs maintained by the State Board.
- (b) A county is eligible to receive funding from the State Board before any statewide special election or preferential primary election upon proper request made to the State Board by the county board.
- (c) The request must be in writing under the signature of all three (3) commissioners and received by the State Board at least thirty (30) days before the statewide special election or preferential primary election.
- (d) Upon review and approval by staff, the county treasurer will receive funding from the State Board based upon one half (1/2) of the county’s previously estimated cost per registered voter for conducting the election, or a minimum of two thousand five hundred dollars (\$2,500) for a

statewide special election or five thousand dollars (\$5,000) for a preferential primary election, whichever is greater.

- (e) The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

§ ~~504~~ 505 Funding of Eligible Expenses

- (a) Before each state-funded election, the State Board will furnish each county board with comprehensive guidelines, instructions and worksheets for requesting payment from the State Board for eligible state-funded election expenses.
- (b) After each state-funded election, the county board must submit to the State Board copies of invoices, receipts, and all other required documentation in support of eligible election expenses incurred in conducting the state-funded election.
- (c) A county is eligible to receive funding from the State Board after the state-funded election upon proper request made to the State Board by the county board. The county board may designate one or more persons to submit its county's request for reimbursement to the State Board.
- (d) A county must ~~carefully~~ follow all instructions and submit its request according to the State Board's rules and guidelines to maximize receipt of funding for eligible state-funded election expenses from the State Board.
- (e) Upon review by staff and approval by the State Board, each county treasurer will receive funding from the State Board for eligible state-funded election expenses as defined by rule. The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

§ ~~505~~ 506 Uniform and Consistent Funding

~~This system of funding by the State Board has resulted in uniform and consistent distribution of funds from the State to the counties and provided information needed for the development of databases of comparative election costs, thus allowing the State to maintain a high level of fiscal accountability. A.C.A. § 7-7-201.~~

These rules are designed to maintain a high level of fiscal accountability in election administration by:

- (1) Providing the uniform and consistent distribution of funds for the reimbursement of eligible expenses from the State Board to the counties;
- (2) Requiring compliance with election laws and procedures to be eligible for reimbursement;
and

- (3) Providing information needed for the development of databases of comparative election costs.

§ ~~506~~ 507 Eligible State-Funded Election Expenses

A county is eligible to receive funding from the State Board for eligible expenses incurred up to ~~maximum amounts as detailed below.~~

A. (a) Poll Workers Pay is reimbursed pursuant to the following provisions:

- (1) ~~Eligible Poll Workers Pay~~ poll worker pay includes funding for poll workers working polling sites on ~~a state-funded~~ election day, funding for poll workers working off-site early voting polling sites, and funding for poll workers who attend training as specified under separate rule.
- (2) A county is eligible to receive funding at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked up to a maximum of fourteen (14) hours by a poll worker at an election day polling location.
- (3) In addition to the poll worker pay ~~mentioned above~~, a county is eligible to receive a maximum \$25 payment for one election judge per poll on election day.
- (4) A county is eligible to receive the current federal or state minimum wage, whichever is greater at the time of the state-funded election, and applicable overtime wages if required by law, for the actual number of hours worked by a poll worker at an off-site early voting polling site outside of the county clerks' office and under the direction and supervision of the county board.
- (5) A county is eligible to receive ~~a maximum \$25~~ an additional one-time payment per poll worker who attends training conducted by a State Board-certified trainer and who works the preferential primary election immediately following the training. This payment shall be governed by the (see the State Board's "Rules for Poll Worker Training."). However, the payment may be included in the disbursement paid under this rule.
- (6) A county is eligible to receive funding for an average of six (6) eligible poll workers per precinct per state-funded election.

B. (b) Extra Help Pay is reimbursed pursuant to the following provisions:

- (1) ~~Eligible Extra Help Pay~~ extra help pay includes:
 - (A) funding for workers designated by the county board to prepare, package and deliver election materials to poll workers for each polling site;

- (B) funding for poll workers designated to return election materials to the county board after the closing of the poll;
- (C) funding for workers to unpack and store election materials after the election;
- (D) funding for election clerks processing absentee ballots ~~on election day~~; and
- (E) funding for election officials designated to tabulate the vote.

- (2) A county is eligible to receive funding for eligible extra help at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked.

~~C.~~ (c) Extra Deputy Pay is reimbursed pursuant to the following provisions:

- (1) A county is eligible to receive funding for one (1) extra deputy to the county clerk for the purpose of carrying out the requirements of absentee and early voting, at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, and applicable overtime wages if required by law, for the actual number of hours worked per day up to the maximum number of hours per day allowable by law, for a period not to exceed thirty-five (35) days per state-funded election.
- (2) A county with two county seats may receive funding for one (1) additional deputy county clerks subject to the same limitations in the maximum number of hours.

~~D.~~ (d) Mileage Expenses are reimbursed pursuant to the following provisions:

- (1) ~~Eligible Mileage Expenses~~ mileage expenses include funding for the mileage of personnel designated by the county board to deliver election materials to poll workers for each polling site and funding for poll workers designated by the county board to return election materials to the county board after the closing of the poll at the same mileage rate prescribed for state employees in state travel regulations. A.C.A. § 7-4-112(b).
- (2) A county may pay up to two poll workers per poll to return ballots to the central count location when a poll is closed.

~~E.~~ (e) Election Commissioners Pay is reimbursed pursuant to the following provisions:

- (1) A county is eligible to receive funding for election commissioners pay of ~~not less than \$25 nor more than \$100~~ \$125 per public meeting attended when official business is conducted, up to a maximum of ten (10) public meetings per commissioner per state-funded election.
- (2) Public meetings as defined under the Arkansas Freedom of Information Act include but are not limited to drawing of ballot position, certification of ballots, selection or alteration of location or boundaries of precincts or polling sites, designation of election officials, correction of errors or omissions of ballots, canvassing and certification of election results, canvassing and certification of a recount, and election day.

(3)(A) A county is eligible to receive funding for the hourly wages of a county election commissioner if:

- (i) The county board has not voted to appoint a county employee as an election coordinator;
- (ii) The wages of an individual election commission do not exceed 40 hours in the state funded election being reimbursed;
- (iii) The rate of compensation does not exceed \$15 per hour; and
- (iv) The hours would otherwise be reimbursable as extra help or contract labor under this rule.

(2) A county may pay a county board member hourly wages in excess of those eligible for reimbursement under this rule.

~~F.~~ (f) Supply Costs are reimbursed pursuant to the following provisions:

- (1) Eligible Supply Costs include funding for disposable supplies such as pens, pencils, pads, tape, magnifying sheets/glasses, spools of string for marking electioneering areas, ballot marking instruments/devices, envelopes, ballot boxes, seals, stub boxes, election kits, paper, postage for mailing absentee application requests and ballots and for official notice to poll workers and polling sites, and paper products necessary for the operation of the voting equipment. RTAL paper for voting machines, and thermal printer paper for communication packs and scanners.
- (2) A county may only receive funding for quantities applicable to the specific state-funded election for which it seeks funding.
- (3) In a county in which the county board conducts early voting or maintains vote centers, the county is eligible to receive reimbursement for the cost of internet service necessary to support the poll tablet system subject to the following limitations:
 - (A) In the event that the county maintains year-round internet service for its elections, the reimbursable cost is limited to the payment for the time period in which the state-funded election occurred.
 - (B) The cost of internet services in a single election shall not exceed \$40 per the combined number of polling sites, vote centers, and off-site early voting locations.

~~G.~~ (g) Programming Costs are reimbursed pursuant to the following provisions:

- (1) Eligible ~~Programming Costs~~ programming costs include funding for programming and

testing of voting machines and electronic vote tabulating devices for state-funded elections, funding for technical support and funding for labor, mileage, and truck rental, if necessary, for transportation of voting machines and precinct tabulating devices to and from polling sites. See A.C.A. §§ 7-5-301(m)(2); 7-5-515(a), (b); 7-5-611(a)(1).

- (2) A county is eligible to receive a maximum \$25 per hour for testing voting machines and electronic vote tabulating devices.
- (3) A county is eligible to receive a maximum \$1,080 per state-funded election for contracted technical support authorized under A.C.A. § 7-5-301(g).
- (4) A county is eligible to receive the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked by extra help designated by the county board to transport voting machines and electronic vote tabulating devices to and from the polling sites, plus truck rental fees or mileage expenses at the same mileage rate prescribed for state employees in state travel regulations.

H. (h) Ballot Printing Costs are reimbursed pursuant to the following provisions:

- (1) Counties are eligible to receive funding for printing a number of absentee ballots, provisional ballots, and emergency ballots not to exceed the greater of:
 - (A) the 35 ballots per ballot style; or
 - (B) one and one half (1.5) times the number of absentee voters and provisional voters at the last preceding comparable election.
- (2) A county using ballot marking devices is eligible to receive funding for the purchase of ballot stock equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.
- (3) A county using pre-printed paper ballots counted by electronic vote tabulating devices is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.
- (4) In a state-funded primary election in which a county is using pre-printed ballots counted by electronic vote tabulating devices, a county is eligible to receive additional funding for the printing a number of separate nonpartisan/special election ballots for the nonpartisan general election and any special election that is held on the same dates, times, and places as the preferential primary election equivalent to one and one half (1.5) times the number of electors voting a separate nonpartisan/special election paper ballot at the last preceding comparable election.
- (5) A county is eligible to receive funding for printing a number of “special runoff ballots”

equivalent to a maximum of one and one half (1.5) times the total number of overseas absentee ballot requests received at the last preceding comparable election or one and one half (1.5) times the total number of overseas absentee voters voting on paper ballots at the last preceding comparable election, whichever is greater.

- (6) A county is eligible to receive funding for printing sample ballots required by law.
- (7) Beginning with the 2026 election cycle, these calculations shall be based on the vote totals reported in the Ballot Disposition Report for the election in question. Reimbursement shall not be made for expenses governed by this subsection (h) unless a ballot disposition report is on file with the State Board.

~~Eligible Ballot Printing Costs include funding for the cost of ballot stock and printing of ballots up to the maximum allowed by law and State Board rule.~~

~~A county using paper ballots counted by hand or by electronic vote tabulating devices (whether centrally located or at each polling site) in combination with one (1) voting machine per poll accessible to voters with disabilities is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.~~

~~A county using all voting machines is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one half of the total number of electors voting at the last preceding comparable election.~~

~~Regardless of the type of voting system in use, a county is eligible to receive funding for printing a number of separate nonpartisan/special election ballots for the nonpartisan general election and any special election that is held on the same dates, times, and places as the preferential primary election equivalent to one and one half (1.5) times the number of electors voting a separate nonpartisan/special election paper ballot at the last preceding comparable election.~~

~~No voter is required to vote in a political party's primary to be able to vote in a nonpartisan or special election.~~

~~For each preferential primary election, a county board must provide a special absentee ballot marked "special runoff ballot" to be sent by the county clerk along with the absentee ballot for the preferential primary election to members of the uniformed services of the United States and members of the Merchant Marine while in active duty or service, and their spouses and dependents who, by reason of the active duty or service of the member, are absent from the place of residence where the spouse or dependent is otherwise qualified to vote and to citizens of the United States residing or temporarily outside the territorial limits of the United States and the District of Columbia.²⁷~~

~~A county is eligible to receive funding for printing a number of "special runoff ballots" equivalent to a maximum of one and one half (1.5) times the total number of overseas absentee ballot requests received at the last preceding comparable election or one and one half (1.5) times~~

~~the total number of overseas absentee voters voting on paper ballots at the last preceding comparable election, whichever is greater.~~

I. (i) Legal Advertising Costs are reimbursed pursuant to the following provisions:

(1) Eligible legal advertising costs include:

- (A) One (1) publication of the notice of the meeting in which the order of the candidates on the ballot is determined as required under A.C.A. §§ 7-5-207 & 7-7-305;
- (B) Two (2) publications of the notice of election required under A.C.A. § 7-5-202;
- (C) One (1) publication of the notice that voting machines will be prepared as required under A.C.A. § 7-5-516;
- (D) One (1) publication of the notice of the public test of the voting equipment as required under A.C.A. § 7-5-515;
- (E) One (1) publication of the notice of the tabulation device testing as required under A.C.A. § 7-5-611; and
- (F) One (1) publication of the calling document for statewide special elections and special primary elections.

(2) A county must provide a copy of the publication proof provided by the publisher to be eligible to receive reimbursement for eligible advertising costs.

~~Eligible Legal Advertising Costs include funding for two (2) publications of the public notice of the date of the election, the hours of voting on election day, the places and times for early voting, polling sites for holding the elections, the candidates and offices to be elected, and the time and location of the opening, processing, canvassing, and counting of ballots, funding for one (1) publication of the notice of the time and place the voting machines will be prepared, funding for one (1) publication of the time and place of testing of voting machines and electronic vote tabulating devices, funding for one (1) publication of the public notice of ballot position drawing for the May preferential primary or special primary elections, and funding for one (1) publication of the calling document for statewide special elections and special primary elections.~~²⁸

~~A county must provide a copy of the proof of publication provided by the publisher to be eligible to receive payment for eligible advertising costs.~~

J. (j) Facility Fees are reimbursed pursuant to the following provisions:

- (1) Eligible Facility Fees facility fees include fees charged to a county by a facility to offset the cost of using the facility as an election day or off-site early voting polling site for a state-funded election. A county is eligible to receive a maximum of \$40 per each facility that requests payment from the county for its use as an election day polling site. For those counties that combine multiple polling sites within a single facility such as an auditorium, each separate location within the single facility where voters identify themselves to poll workers for the purpose of casting a ballot would constitute a polling site.

- (2) A county is eligible to receive \$40 per day per each facility that requests payment from the county for its use as an off-site early voting polling site, up to a maximum of \$4,000 per county per state-funded election.
- (3) A county must provide the State Board with a copy of an invoice from each facility to be eligible to receive funding from the State Board.

§ ~~507~~ 508 Ineligible State-Funded Election Expenses

A. (a) Poll Workers Pay reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding for a volunteer election page ~~for~~ serving as a poll worker on election day.
- (2) The State Board will not provide funding for poll workers who have not received the required training coordinated by the State Board within 12 months of the date of the state-funded election.

B. (b) County Employee Pay reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding to reimburse wages or salary of a permanent full-time or permanent part-time county employee.
- (2) An individual is considered a permanent part-time county employee under this rule if the individual:
 - (A) Works more than 500 hours in a single election; or
 - (B) Is considered a permanent part-time employee by the county.

(c) Extra Help Pay reimbursements are limited by the following provisions:

- (1) The total hours reimbursed for the preparation of election materials shall not exceed:
 - (A) 900 hours in a county with over 100,000 registered voters;
 - (B) 600 hours in a county with between 100,000 and 50,000 registered voters; and
 - (C) 300 hours in a county with less than 50,000 registered voters.
- (2) The total hours reimbursed for the unpacking and storage of election materials shall not exceed:
 - (A) 400 hours in a county with over 100,000 registered voters;

(B) 200 hours in a county with between 100,000 and 50,000 registered voters; and

(C) 100 hours in a county with less than 50,000 registered voters.

(3) The total hours reimbursed for contract labor related to the testing of voting equipment shall not exceed:

(A) 300 hours in a county with over 100,000 registered voters;

(B) 150 hours in a county with between 100,000 and 50,000 registered voters; and

(C) 100 hours in a county with less than 50,000 registered voters.

(4) The total hours reimbursed for contract labor to transport voting equipment shall not exceed:

(A) 500 hours in a county with over 100,000 registered voters;

(B) 200 hours in a county with between 100,000 and 50,000 registered voters; and

(C) 100 hours in a county with less than 50,000 registered voters.

(5) The hourly wage costs associated with counting ballots shall not be reimbursed by the State Board if the quorum court of the county in question has voted to hand-count ballots pursuant to A.C.A. §7-5-301(c)(1).

~~C.~~ (d) Mileage Expenses will not be reimbursed by the State Board if the expenditure is incurred by:

~~The State Board will not provide funding for mileage expenses incurred by~~

(1) A county election commissioner for travel to and from public meetings; or

(2) A poll worker's travel to and from the polling site, except as provided by law for delivery of election materials and voting equipment.

~~D.~~ (e) Election Commissioners Pay expenses will not be reimbursed except as provided for in §506 of this rule.

~~The State Board will not compensate a county election commissioner for election related duties, except as provided by law for public meetings.~~

~~E.~~ (f) Supply Cost reimbursements are limited by the following provisions:

(1) The State Board will not provide funding for capital or leasehold improvements to polling

sites.

- (2) The State Board will not provide funding for non-expendable equipment and supplies such as voting booths, electric pencil sharpeners, thermal binding machines, pagers, outlet strips, extension cords, adapters, phone cords, and expensive metal signage.
- (3) The State Board will not provide funding for expendable supplies such as batteries, copier toner, printer toner cartridges, printer ribbons, ~~diskettes~~, hanging file folders, manila file folders, binders, “I Voted” stickers, and flags.
- (4) The State Board will not provide funding for the cost of binding voter books, for reproduction of poll worker training material, for phone lines, phone services ~~or internet services~~, for portable toilet rental, for furniture rentals, for return postage, or for food.

~~F.~~ (g) Voting System Costs will not be reimbursed by the State Board if the expenditure is described below:

~~The State Board will not provide funding for~~

- (1) The ~~the~~ purchase of new or used voting systems; or
- (2) The ~~for~~ leasing, rental, maintenance, or depreciation of voting systems.

~~G.~~ (h) Programming Costs reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding for:
 - (A) ~~r~~ Re-programming due to county ~~or vendor~~ error; ~~i~~
 - (B) ~~r~~ Re-programming due to vendor error; or
 - (C) ~~p~~ Programming of duplicative ballot styles which cause the county to pay for more than fifty percent more ballot styles than the election requires.
- (2) The State Board will not reimburse the additional costs of nonpartisan ballots under §507(h)(4) unless the number of nonpartisan ballots cast in the prior preferential primary is documented on the reimbursement request.

~~H.~~ (i) Ballot Printing Costs reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding for ballot printing reruns due to county or vendor error.
- (2) The State Board will not provide funding for overages in ordering and printing ballots, except by prior written request to the State Board with prior written approval by the State Board.

(3) The county ~~and/or~~ the vendor will be financially responsible for excessive printing of paper ballots.

(4) The cost associated with producing pre-printed ballots shall not be reimbursed by the State Board if the quorum court of the county in question has voted to hand-count ballots pursuant to A.C.A. §7-5-301(c)(1).

~~I.~~ (j) Legal Advertising Costs will not be reimbursed by the State Board if the expenditure is described below:

~~The State Board will not provide funding for~~

- (1) ~~Advertising~~ advertising the list of appointed election officials; ;
- (2) ~~Advertising~~ advertising for poll worker training; ;
- (3) ~~Advertising~~ advertising in excess of that required by law as defined previously; ;
- (4) ~~Re-advertising~~ re-advertising due to county error; ;
- (5) Colored advertising; or
- (6) ~~for any~~ costs related to advertising on:
 - (A) ~~±~~ Radio, or
 - (B) ~~±~~ Television broadcasting or colored advertising, or
 - (C) Social media.

~~J.~~ (k) Facility Fees reimbursements are limited in that the ~~The~~ State Board will not provide funding for reimbursing individuals hired to clean facilities used as polling sites.

~~K.~~ (l) Other reimbursements are limited by the following provisions:

- (1) The State Board will not provide funding for any penalties assessed to a county by any vendor, such as a surcharge assessed to a county by a vendor for missing deadlines established by the vendor.
- (2) The State Board will not consider requests for advance funding for state-funded general primary (run-off) elections or special primary elections.
- (3) The State Board will review all shipping and handling fees in excess of \$500 for consideration of payment on a case-by-case basis.
- (4) County funds must be used for funding any election-related expenses incurred by the county in conducting a state-funded election that fall outside the scope of funding by the State Board as defined by rule.
- (5) A county may appeal to the State Board for reconsideration of any otherwise eligible expense that is disqualified by the State Board for exceeding maximums established by State Board rules and guidelines.
- (6) If a court orders a new election as a result of a contested election, the State Board will

consider the criteria for funding the expenses of the new court-ordered election, on a case-by-case basis.

DRAFT

State of Arkansas

As Engrossed: H3/2/23

94th General Assembly

A Bill

Regular Session, 2023

HOUSE BILL 1487

By: Representatives Lundstrum, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks, Miller, Milligan, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh, Underwood, Vaught, Womack, Wooten

By: Senators K. Hammer, Dees, M. McKee, J. Petty, Stone

For An Act To Be Entitled

AN ACT TO CREATE THE BALLOT SECURITY ACT OF 2023; TO
AMEND ELECTION LAW CONCERNING THE HANDLING OF
ELECTION BALLOTS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE BALLOT SECURITY ACT OF
2023; AND TO AMEND ELECTION LAW
CONCERNING THE HANDLING OF ELECTION
BALLOTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Ballot Security Act Of 2023".

SECTION 2. Arkansas Code § 7-5-407(a), concerning the preparation and delivery of ballots, is amended to read as follows:

(a)(1) The county board of election commissioners shall:

(A) prepare ~~prepare~~ Prepare official absentee ballots and securely deliver them to the county clerk for mailing to all qualified applicants as



1 soon as practicable but not later than forty-seven (47) days before a
2 preferential primary election, general election, school election, nonpartisan
3 general election, nonpartisan runoff election, or special election;

4 (B) Provide a ballot count report to the county clerk
5 listing the:

6 (i) Date of delivery;

7 (ii) Method of delivery;

8 (iii) Total number of ballots provided by ballot
9 style; and

10 (iv) Names and signatures of the persons delivering
11 the ballots;

12 (C) Maintain the ballot count report for each additional
13 delivery of ballots with separate entries per delivery by ballot style and
14 date; and

15 (D) Keep a record of the ballot count report available to
16 the public.

17 (2) Upon the receipt of the absentee ballots, the county clerk
18 shall begin delivering ballots to absentee voters as soon as practicable and,
19 no later than forty-six (46) days before the applicable election, shall
20 deliver ballots to those absentee voters who made timely application under:

21 (A) Section 7-5-406; or

22 (B) The Uniformed and Overseas Citizens Absentee Voting
23 Act, 52 U.S.C. § 20301 et seq., as existing on January 1, ~~2011~~ 2023.

24
25 SECTION 3. Arkansas Code § 7-5-416(a)(1) and (2), concerning counting
26 of absentee ballots, are amended to read as follows:

27 (a)(1) The election officials for absentee ballots ~~may~~ shall meet in a
28 place designated by the county board of election commissioners no earlier
29 than the Tuesday before the election for the purpose of opening the outer
30 envelope, processing, and canvassing of absentee ballot paper work of the
31 outer envelope and no earlier than 8:30 a.m. on election day for the purpose
32 of opening the inner absentee ballot envelope and counting the absentee
33 ballots.

34 (2) The county board of election commissioners shall:

35 (A) give ~~Give~~ public notice of the time and location of
36 the opening, processing, canvassing, and counting of absentee ballots and

1 early voting ballots as provided in § 7-5-202; and

2 (B) Allow public access for the in-person viewing of the
3 absentee canvassing process.

4
5 SECTION 4. Arkansas Code § 7-5-602(d), concerning the number of
6 ballots, process for marking spoiled ballots, and the process for providing
7 ballots to the election sites, is amended to read as follows:

8 (d)(1) A voter who shall by accident or mistake ~~may~~ mark or spoil any
9 ballot so that he or she cannot conveniently or clearly vote on the ballot
10 may return it to the poll workers and receive another ballot, not to exceed
11 three (3) ballots in total.

12 (2)(A) Spoiled ballots shall be cancelled by a poll worker by
13 using a stamp marked "CANCELLED" on the face of the ballot.

14 (B) The poll worker shall write the date and time, and
15 print and sign his or her name next to the stamp marked "CANCELLED".

16 (C) The election judge shall report the total number of
17 spoiled ballots to the county board of election commissioners.

18 (3) The cancelled ballots shall be securely preserved separately
19 from other ballots with the total number of cancelled ballots and returned to
20 the county board of election commissioners and shall be open to public
21 inspection.

22
23 SECTION 5. Arkansas Code Title 7, Chapter 5, Subchapter 6, is amended
24 to add an additional section to read as follows:

25 7-5-617. Transport of ballots and chain of custody.

26 (a) Marked absentee or provisional ballots shall be transported in a
27 secure manner during the election period between locations, including without
28 limitation between:

29 (1) Polling sites;

30 (2) Vote centers;

31 (3) Offices of the county clerk;

32 (4) Designated absentee or provisional ballot counting
33 facilities; or

34 (5) Other government offices.

35 (b) Marked absentee ballots shall be transported in a secure manner by
36 at least two (2) election officials with the marked absentee ballots inside

1 of a sealed ballot transfer container to the location designated by the
2 county board of election commissioners.

3 (c) Marked absentee or provisional ballots are subject to the
4 following procedure as a chain of custody:

5 (1) A person collecting marked absentee or provisional ballots
6 shall swear an oath in the same form as § 7-4-110;

7 (2) A marked absentee or provisional ballot team shall include a
8 minimum of two (2) election officials;

9 (3) The ballot transport team shall complete and sign a ballot
10 transfer form upon removing the marked absentee or provisional ballots,
11 including the following information, the:

12 (A) Date;

13 (B) Time;

14 (C) Location the marked absentee or provisional ballots
15 are picked up;

16 (D) Number of marked absentee or provisional ballots per
17 container;

18 (E) Identity of each person collecting the ballots; and

19 (F) Destination location for delivery of the marked
20 absentee or provisional ballots;

21 (4) The ballot transport team shall immediately transfer the
22 secured marked absentee or provisional ballots to the county board of
23 election commissioners, or its designee; and

24 (5)(A) The county board of election commissioners or its
25 designee shall sign the marked absentee or provisional ballot transfer form
26 upon receipt of the marked absentee or provisional ballots.

27 (B) The marked absentee or provisional ballot transfer
28 form under subsection (c)(3) of this section shall be considered a public
29 record.

30 (d)(1) Upon receiving a sealed ballot envelope from a person casting a
31 provisional ballot, the poll worker or election official shall verify that
32 the information requested on the outer ballot envelope is complete.

33 (2) The poll worker or election official shall clearly write and
34 sign his or her name, the polling location, the date, and the reason the
35 ballot is considered provisional on the outer envelope and record the
36 information.

1 (3)(A) The poll worker shall direct the person casting the
2 provisional ballot to place the ballot envelope into the secure container for
3 provisional ballots.

4 (B) The secure container for provisional ballots shall be
5 located within the enclosed space in the polling place where it can be
6 monitored by poll workers and observed by the public.

7 (e)(1) Once the polls have closed, two (2) election officials shall
8 return the secure container of provisional ballots to the county board of
9 election commissioners with the following information marked clearly on the
10 exterior of each secure container, the:

11 (A) Total number of marked provisional ballots;
12 (B) Location the provisional ballots were collected; and
13 (C) Identity of the election officials transporting the
14 marked provisional ballots.

15 (2)(A) Upon receipt of the provisional ballots, the county board
16 of election commissioners, or its designee, shall electronically record the:

17 (i) First and last name of the person casting the
18 provisional ballot;

19 (ii) Address of the person casting the provisional
20 ballot;

21 (iii) Date of birth of the person casting the
22 provisional ballot;

23 (iv) Date the provisional ballot was marked;

24 (v) Early voting or polling location, including
25 precinct number, where the provisional ballot was marked;

26 (vi) Name of the election official recorded on the
27 sealed outer envelope;

28 (vii) Reason for the provisional ballot reflected on
29 the sealed outer envelope; and

30 (viii) Other information deemed necessary by the
31 county board of election commissioners.

32 (B) The county board of election commissioners shall
33 create one (1) paper copy of the outside of each outside provisional envelope
34 to be delivered to the county clerk.

35 (C) The county board of election commissioners shall
36 provide the provisional ballot envelope copies and the electronic provisional

1 ballot list to the county clerk no later than one (1) business day following
2 election day.

3 (3) Following receipt of the electronic provisional ballot list,
4 including the provisional ballot envelope copies, the county board of
5 election commissioners shall reconcile the total number of provisional
6 ballots reviewed by the county clerk to the total number of provisional
7 ballots received and secured by the county board of election commissioners.

8
9 /s/Lundstrum

10
11
12 **APPROVED: 3/21/23**
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 292

By: Senators Stone, K. Hammer, Crowell, Dees, M. McKee, J. Petty
By: Representatives C. Cooper, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,
Breau, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, Cozart, Evans, C. Fite, L. Fite, Fortner,
Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum,
Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,
Miller, Milligan, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh,
Underwood, Vaught, Womack, Wooten

For An Act To Be Entitled

AN ACT TO AMEND THE COMPENSATION OF A MEMBER OF A
COUNTY BOARD OF ELECTION COMMISSIONERS; TO AMEND THE
DUTIES OF A MEMBER OF A COUNTY BOARD OF ELECTION
COMMISSIONERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE COMPENSATION OF A MEMBER OF
A COUNTY BOARD OF ELECTION COMMISSIONERS;
AND TO AMEND THE DUTIES OF A MEMBER OF A
COUNTY BOARD OF ELECTION COMMISSIONERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-4-111 is amended to read as follows:
7-4-111. Compensation of board members.

(a) The State Board of Election Commissioners may receive expense
reimbursement and stipends in accordance with § 25-16-901 et seq.

(b)(1) Each member of ~~the a~~ county board of election commissioners
shall receive for his or her services the sum of not less than ~~twenty-five~~
~~dollars (\$25.00)~~ one hundred twenty-five dollars (\$125) per public meeting
when official business is conducted up to a total of ten (10) meetings for an



1 election.

2 (2) For each meeting over the number of meetings per election
3 under subdivision (b)(1) of this section, each member of a county board of
4 election commissioners shall receive for his or her services the sum of not
5 less than twenty-five dollars (\$25.00).

6
7 (c) Each member of a county board of election commissioners shall
8 receive compensation in an amount not less than fifteen dollars (\$15.00) per
9 hour worked outside of a public meeting subject to the following limitations:

10 (1) A member of a county board of election commissioners shall
11 be paid for work conducted outside of a meeting for up to forty (40) hours
12 per election; or

13 (2) The quorum court may set the amount of hours a member of a
14 county board of election commissioners may be paid between zero (0) hours and
15 forty (40) hours per election if:

16 (A) A county employee has been made available to act as an
17 election coordinator, subject to the requirement that the employee comply
18 with directives of the county board of election commissioners in matters
19 related to an election; and

20 (B) The county employee has been accepted as an election
21 coordinator by a vote of the county board of election commissioners.

22 (d) Each member of a county board of election commissioners shall file
23 a claim with the county documenting tasks completed by the member and the
24 time required to complete those tasks in order to receive hourly
25 compensation.

26 (e) A member of a county board of election commissioners shall not be
27 paid hourly compensation for tasks completed:

28 (1) More than one hundred (100) days prior to election day; or

29 (2) More than forty (40) days after election day.

30
31
32 **APPROVED: 3/21/23**
33
34
35
36

State of Arkansas

As Engrossed: H4/4/23

94th General Assembly

A Bill

Regular Session, 2023

HOUSE BILL 1687

By: Representatives Long, *Wing*

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT CONCERNING PAPER BALLOTS; TO AMEND THE LAW
CONCERNING PAPER BALLOTS AND THE MARKING AND COUNTING
OF PAPER BALLOTS; TO AMEND THE LAW CONCERNING THE
DECLARATION OF ELECTION RESULTS; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING PAPER BALLOTS; TO AMEND THE
LAW CONCERNING PAPER BALLOTS AND THE
MARKING AND COUNTING OF PAPER BALLOTS; TO
AMEND THE LAW CONCERNING THE DECLARATION
OF ELECTION RESULTS; AND TO DECLARE AN
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-5-601, concerning paper ballots, is
amended to add additional subsections to read as follows:

(f) Each paper ballot shall be compatible with the electronic vote
tabulation devices selected by the Secretary of State under § 7-5-301.

(g)(1) A county that chooses to use a hand count of paper ballots in
place of approved voting machines shall be responsible for:

(A) The cost of the hand-counted paper ballots and any
devices or machines required for the printing of the hand-counted paper
ballots under this subchapter; and

(B) The labor costs associated with the performance of the



1 hand count of paper ballots.

2 (2) A county that chooses to hand-count paper ballots shall be
3 eligible to receive the amount of reimbursement as if the county performed a
4 machine tabulation of the votes.

5 (h) The county board of election commissioners of any county that
6 chooses to use hand count paper ballots instead of approved voting machines
7 shall be responsible for compliance with § 7-5-311 and with the Equal Access
8 to Voting Rights Act, Pub. L. No. 98-435, the Americans with Disabilities
9 Act, Title II of Pub. L. No. 101-336, and the Help America Vote Act of 2002,
10 Pub. L. No. 107-252 regarding the accessibility of voting locations for
11 voters with disabilities.

12 (i) Each paper ballot to be hand counted shall contain a watermark on
13 the ballot with a unique placement of the watermark for each election cycle.
14

15 SECTION 2. Arkansas Code § 7-5-602(b) and (c), concerning ballots,
16 number of ballots, marking devices, spoiled ballots, and official ballots,
17 are amended to read as follows:

18 (b) A ballot shall not be received or counted in any election to which
19 this subchapter applies unless it is approved and provided by the county
20 board of election commissioners under this section.

21 (c) At all elections in counties that use paper ballots and in which
22 those ballots are counted by hand, the ballots shall:

23 (1) First be marked using permanent ink; and

24 (2)(A) Be run through an electronic vote tabulation device
25 before a hand count is conducted.

26 (B)(i) The requirement under subdivision (c)(2)(A) of this
27 section shall apply in all general elections and preferential primary
28 elections.

29 (ii) The requirement under (c)(2)(A) of this section
30 is optional if an election:

31 (a) Is an election other than the general
32 election or the preferential primary election; and

33 (b) Involves fewer than five thousand (5,000)
34 registered voters.
35

36 SECTION 3. Arkansas Code § 7-5-603 is amended to read as follows:

1 7-5-603. Counting paper ballots ~~at the polling site.~~

2 When paper ballots are to be counted ~~at the polling site,~~ the following
3 procedures shall be followed:

4 (1)(A) In counting the paper ballots, the ballot box shall be
5 opened and each paper ballot shall be counted in turn or by counting by
6 offices and issues by first being run through a tabulation device before any
7 hand count is conducted.

8 (B) The poll workers shall witness the counting of the
9 paper ballots and shall keep separate tally lists of the votes cast for each
10 candidate or issue on the paper ballot by precinct.

11 (C) The tabulated results shall be posted at each polling
12 site prior to the completion of the hand count of the paper ballots;

13 (2)(A) After being run through a tabulation device, the paper
14 ballots shall be placed in a sealed double-locking hard shell ballot box for
15 transport to the designated hand count location and the seal initialed by a
16 minimum of two (2) election officials.

17 (B) Each county board of election commissioners shall
18 designate the hand count location thirty (30) days before an election.

19 (C) A minimum of two (2) election officials shall
20 transport the paper ballots to the hand count location.

21 (D) All ballots from voting machines used for compliance
22 with the Equal Access to Voting Rights Act, Pub. L. No. 98-435, the Americans
23 with Disabilities Act, Title II of Pub. L. No. 101-336, and the Help America
24 Vote Act of 2002, Pub. L. No. 107-252 shall be counted with the hand-counted
25 paper ballots.

26 (E) All paper ballots shall be stored in a secure location
27 approved by the county board of election commissioners when not in use by a
28 poll worker performing the hand count of the paper ballots;

29 (3)(A) When two (2) or more paper ballots are found folded
30 together, it shall be considered as conclusive evidence the paper ballots are
31 fraudulent and neither of the paper ballots shall be counted.

32 (B) If a paper ballot is found to contain marks for more
33 than the maximum allowable number of candidates in any one (1) contest, the
34 contest shall be considered overvoted, and it shall be the responsibility of
35 ~~the poll workers~~ county board of election commissioners to determine the
36 voter's intent;

1 ~~(3)-(A)-(4)(A)~~ Upon the close of the polls, the poll workers
2 immediately shall certify and attest the list of voters and continue the
3 count to completion.

4 (B)(i) A hand count of paper ballots shall be completed a
5 minimum of twenty-four (24) hours before the certification deadline.

6 (ii) If the hand count of paper ballots is not
7 completed a minimum of twenty-four (24) hours before the certification
8 deadline, the machine tabulated results under subdivision (1) of this section
9 shall be the certified results of the election.

10 (C)(i) If a poll worker becomes sick or incapacitated from
11 any other cause, the remaining poll workers shall continue the count until it
12 is completed.

13 (ii) The county board of election commissioners
14 shall ensure there is a minimum of four (4) poll workers available to
15 continue the count.

16 (D) All hand-count paper ballot totals shall be recorded
17 by race in each precinct, and posted at the designated hand-count location
18 upon the completion of the hand count of the paper ballots;

19 (5) A minimum of two (2) poll workers are required to verify the
20 vote on each hand-counted paper ballot;

21 ~~(4)-(6)~~ After the count is completed, the poll workers shall make
22 out the certificates of election in triplicate and immediately post one (1)
23 copy outside the polling site; and

24 ~~(5)-(A)-(7)(A)(i)~~ The counting of paper ballots shall be open to
25 the public.

26 (ii) the public shall maintain a minimum distance of
27 three (3) feet from the poll workers counting the paper ballots.

28 (iii) If sufficient room to maintain a minimum
29 distance of three (3) feet from the poll workers counting the paper ballots
30 may not be achieved, the candidate, the candidate's designated or authorized
31 representative, and designated or authorized representatives of the political
32 parties shall be given priority viewing by the county board of election
33 commissioners.

34 (B) Any candidate or political party may be present in
35 person or by representative designated in writing under § 7-5-312 at the
36 count of the paper ballots in any election for the purpose of determining

whether or not the paper ballots in any election precinct are fairly and accurately counted.

(C) The candidate in person or an authorized representative of the candidate or political party shall be permitted, upon a request's being made to a poll worker, to inspect any or all paper ballots after the paper ballots have been counted.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that sufficient laws to ensure the integrity of paper ballot elections do not currently exist; that this act is immediately necessary to establish adequate guidelines and requirements to ensure that elections conducted by paper ballot are safe and secure and to fortify the integrity of each and every election conducted within the State of Arkansas; that adequate guidelines are required to ensure elections conducted by paper ballots accommodate disabled Arkansas citizens and are in compliance with the Americans with Disabilities Act; and that the preservation of safe and secure elections is necessary to preserve the public peace, health and safety. Therefore, an emergency is declared to exist, and this act being immediately necessary to preserve the public peace, health and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Long

APPROVED: 4/12/23