



STATE BOARD OF ELECTION COMMISSIONERS

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MEMORANDUM

TO: Bureau of Legislative Research
FROM: Daniel Shults, SBEC Director
DATE: October 1, 2021
SUBJECT: Rule Promulgation Update

ACT 1051 – This Act adds a new requirement that all election officials who are trained, either directly by the SBEC or by county trainers certified by the SBEC, must pass an examination of essential skills. The election official's compensation is contingent upon passing this examination. The Act also creates a new type of SBEC training for election coordinators. The Act provides that the State Board of Election Commissioners shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., concerning the training requirements, materials, and examination of essential skills.

The Act requires the SBEC to create a new rule governing the training of election coordinators. The proposed title for this rule is the *Rules for County Election Coordinator Training*.

The staff's proposed draft of this rule has been reviewed by the SBEC in a public meeting in which the Board discussed requirements for the rule and provided direction to the staff. The Board has indicated it will approve the rules in its next meeting when it has reviewed changes it discussed.

The Act also requires the SBEC to amend its existing rules governing the training of county board of election commissioners and certified poll worker trainers. The titles of these rules are the *Rules for County Election Commissioner Training* and *Rules for Poll Workers & County Clerk Training*.

The staff's proposed draft of the amendments to these rules have also been reviewed by the SBEC in a public meeting in which the Board discussed required changes to the rules and provided direction to the staff. The Board has indicated it will approve the rules in its next meeting when it has reviewed changes it discussed.

ACT 249 – This Act modifies the constitutional requirements related to the process of verifying your voter registration with a Photo ID by eliminating an alternative procedure that allowed a voter to vote provisionally and have their ballot counted by signing an affirmation but without showing a Photo ID.

The changes implemented by the Act will require the SBEC to amend its existing rules governing the implementation of the photo ID law and provisional voting. The amendments to the *Rules on Poll Watchers, Vote Challenges, and Provisional Voting* amendments have been reviewed by the SBEC in a public meeting to allow the board to discuss required changes to the rule and provide direction to the staff. The Board has indicated it will approve the rules in its next meeting when it has reviewed changes it discussed.

The Amendments to the *Rules for the Verification of Voter Registration* has been reviewed by the SBEC in a public meeting and approved for promulgation. The rule is being sent to the Governor for his approval.

ACT 756 – This Act modifies the SBEC’s process for filing citizen complaints regarding a violation of election or voter registration law by expanding the time to file, expanding the SBEC’s jurisdiction, and by implementing a new resolution entitled “institute corrective actions.”

The existing rule governing these complaints will need to be adjusted to accommodate the requirements of this Act. The title of the existing rule which requires an amendment is the *Rules of Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws*.

The staff’s proposed draft of the amendments to this rule has been reviewed by the SBEC in a public meeting in which the Board discussed required changes to the rules and provided direction to the staff. The Board has indicated it will approve the rules in its next meeting when it has reviewed changes it discussed.

ACT 974 – This Act modifies the SBEC’s process for filing citizen complaints regarding a violation of election or voter registration law by creating two new resolutions to a complaint including decertification of a local election official and “taking over” a county’s election.

The existing rule governing these complaints will need to be adjusted to accommodate the requirements of this Act. The title of the existing rule which requires an amendment is the *Rules of Procedure for Citizen Complaints Regarding Violations of State Election and Voter Registration Laws*.

The staff’s proposed draft of the amendments to this rule has been reviewed by the SBEC in a public meeting in which the Board discussed required changes to the rules

and provided direction to the staff. The Board has indicated it will approve the rules in its next meeting when it has reviewed changes it discussed.

ACT 727 – This Act provides that the activities of a poll watcher are subject to “reasonable restrictions prescribed by the SBEC.” Restrictions of this kind will meet the definition of a Rule under the APA.

The changes implemented by the Act will require the SBEC to amend its rule governing poll watchers. The title of the rule to be amended is the *Rules on Poll Watchers, Vote Challenges, and Provisional Voting*.

The staff’s proposed draft of the amendments to this rule has been reviewed by the SBEC in a public meeting in which the Board discussed required changes to the rules and provided direction to the staff. The Board has indicated it will approve the rules in its next meeting when it has reviewed changes it discussed.

ACT 1063 – The Act establishes an appeal process for the reduction in the number of polls in the county. Under this process, if the county reduces the total number of polls in the county for a primary or general election, a voter in the county can appeal that action to the SBEC.

SBEC staff believe that procedures for this appeal process should be added to the existing rule governing the procedures of the operation of the SBEC and are currently in the process of being drafted. This rule is titled the *Rules of Practice and Procedure*.

The staff’s proposed draft of this rule has been reviewed by the SBEC in a public meeting and approved for promulgation. The rule is being sent to the Governor for his approval.