

## **Title 7. Elections**

### **Chapter III. State Board of Election Commissioners**

#### **Subchapter E. Training**

#### **Part 80. Rules for County Election Commissioners Training**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Effective December 1, 2005; Revised May 7, 2022)"

#### **Subpart 1. Generally**

##### **7 CAR § 80-101. Scope.**

(a) This part will set forth the procedures for training members of the county boards of election commissioners in the seventy-five (75) counties in the state.

(b) This part is in addition to, and not a substitute for, the laws of the State of Arkansas.

**Authority.** Arkansas Code § 7-4-109.

##### **7 CAR § 80-102. Definitions.**

As used in this part:

(1) "Candidate" means any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office;

(2) "County board of election commissioners" means the three-member board in each of the seventy-five (75) counties in this state responsible for conducting all elections within its respective county, including:

(A) Two (2) members elected by the county committee of the majority party and one (1) member elected by the county committee of the minority party; or

(B) Persons appointed by the state chair of either the majority or minority party to fill a vacancy in that party's position; and

(3)(A) "Election official" means a person:

- (i) Who is a member of the county board of election commissioners;
- (ii) Who performs election coordinator duties;
- (iii) Who is a poll worker designated by a county board of election

commissioners to be:

- (a) An election clerk;
- (b) An election judge;
- (c) An election sheriff; or
- (d) A deputy county clerk; or
- (iv) Assigned by a county clerk to conduct early voting.

(B) "Election official" means a person:

- (i) Who serves as a member of the county board of election commissioners;
- (ii) Who is appointed by the county board of election commissioners to serve as:

(a) An election coordinator;

(b) A person appointed to perform tasks related to the election that require the handling of:

- (1) Ballots; or
- (2) Other election materials or equipment;
- (c) An election clerk;
- (d) An election judge;
- (e) An election sheriff; or
- (f) An absentee ballot clerk; or
- (iii) Assigned by a county clerk to conduct early voting administered

by the county clerk.

**Authority.** Arkansas Code § 7-4-109.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained footnotes to the following: Footnote to 7 CAR § 80-102(2)(B) cited "1 A.C.A. § 7-4-102(a)".

Footnote to 7 CAR § 80-102(1) cited "2 A.C.A. § 7-6-201(2)".

**7 CAR § 80-103. Qualifications of a member of the county board of election commissioners.**

(a) The qualifications of a member of the county board of election commissioners as determined by the General Assembly are as follows:

- (1) Must be a qualified elector of this state;
- (2) Must be able to read and write the English language;
- (3) Must be a resident of the county in which he or she serves at the time of his or her appointment or election;
- (4) Must not have been found guilty or pled guilty or nolo contendere to the violation of any criminal election law of this state;
- (5) Must not be a paid employee of any political party;
- (6) Must not be a paid employee of any person running for any office on the county's ballot;
- (7) Must not participate in the campaign of any candidate listed on a ballot or of a write-in candidate seeking election in that county that falls under their jurisdiction or authority;
- (8) Must not manage a campaign;
- (9) Must not perform labor for a campaign;
- (10) Must not solicit on behalf of a candidate or campaign;
- (11) Must not pass out handbills, signs, or other literature concerning a candidate's campaign;
- (12) Must not assist a candidate's campaign at a rally or parade;
- (13) Must not display candidate placards or signs on an automobile;

(14) Must not be employed with a company that has any business dealings, contracts, or pending contracts with the county board of election commissioners at the time of his or her appointment to the county board of election commissioners;

(15) Must not be a candidate for any office to be filled at an election while serving on the county board of election commissioners, except for appearing on the ballot as a candidate for a position in his or her political party;

(16) Must not be a chair or secretary of a county political party;

(17) Must not be married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to the service is made to the county board of election commissioners within seven (7) calendar days after the posting of the list of officials; and

(18) Must not be the spouse of a chair of a county political party or the spouse of another county board of election commissioner if objection to the service is made to the county board of election commissioners within ten (10) calendar days after the posting of the list of officials.

(b) If an objection is filed against married members of the county election commission, the objection can only be filed against one (1) of the two (2) married individuals.

(c) A member of the county board of election commissioners may:

(1) Make a financial contribution to a candidate;

(2) Attend a political party's state, district, or county meeting where a candidate or issue advocate speaks as a member of the audience; or

(3) Participate in a political party convention.

**Authority.** Arkansas Code § 7-4-109.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained footnotes to the following: A footnote following the phrase "The qualifications" cited "4 A.C.A. § 7-4-109 as amended by Act 1253 of 2015".

A footnote following the phrase "General Assembly" cited "5 Art 3, § 10 of the Arkansas Constitution, as amended by Amendment 85".

Footnote to 7 CAR § 80-103(c)(3) cited "6 A.C.A. § 7-4-109(c)(2)(B)(ii) as amended by Act 1253 of 2015".

**7 CAR § 80-104. Required training.**

(a) Each member of the county boards of election commissioners shall attend:

(1) Either a comprehensive training program conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election; or

(2) An advanced training program conducted by the State Board of Election Commissioners.

(b)(1) Advanced training will be made available if the Director of the State Board of Election Commissioners determines that, based on the amount of changes in law and procedure from the previous election cycle, an advanced training program is appropriate for experienced county commissioners.

(2) Advanced trainings:

(A) Are to only be utilized for commissioners who are unable to attend the comprehensive training; and

(B) May be conducted remotely.

(3) Advanced trainings may not necessarily include a detailed review of all basic laws and procedures that are unchanged from the previous two (2) election cycles but will address all aspects of the duties of an election commissioner.

(c) Any member of a county board of election commissioners who has not served on the commission during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program.

(d) A member of a county board of election commissioners shall attend additional interim training if deemed necessary and appropriate by the State Board of Election Commissioners.

**Authority.** Arkansas Code § 7-4-109.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained a footnote to 7 CAR § 80-104(b)(3) as follows: "7 A.C.A. § 7-4-109(e)(1)".

**7 CAR § 80-105. Examination and certification of election commissioners.**

(a) Having attended the instructional portion of the training program, the election commissioner shall take an examination of essential skills developed and administered by the State Board of Election Commissioners.

(b) The board shall issue a certification to each commissioner who:

(1) Attended the instructional program; and

(2) Demonstrated competency in the skills essential for conducting an election through the examination process.

(c) Certification shall be issued by the board to each designated trainee who is certified through the training program.

**Authority.** Arkansas Code § 7-4-109.

**7 CAR § 80-106. Compensation.**

(a) Upon completion of training by the State Board of Election Commissioners, each county election commissioner attending the training is eligible to receive mileage reimbursement at the rate established for state employees by state travel rules.

(b) Any election commissioner who is trained and certified under this section and who remains in office until the certification of the preferential primary election results

shall be eligible to receive three hundred dollars (\$300) in compensation for attending training.

(c) If the county political party elects a new commissioner following the preferential primary, the commissioner shall be eligible to receive mileage for additional required trainings only but is not eligible to receive additional compensation.

(d)(1) All compensation and reimbursement paid under this section shall:

(A) Be paid to the county treasurer; and

(B) Include a statement explaining:

(i) The purpose of the funds; and

(ii) Who is entitled to receive the funds under state law.

(2) Mileage for training shall be paid upon:

(A) Receipt of the reporting form approved by the board; and

(B) Verification that the commissioner was tested.

(3) Payment of the three hundred dollars (\$300) shall be paid upon verification by the Director of the State Board of Election Commissioners that the commissioner who attended training remains an election commissioner for the county at the time the preferential primary is certified.

(e) Attendance by county election coordinators is optional, and compensation for attending training will not be provided by the board.

**Authority.** Arkansas Code § 7-4-109.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained a footnote to 7 CAR § 80-106(a) as follows: "8 A.C.A. § 7-4-109(e)(2)".

### **7 CAR § 80-107. Noncompliance.**

The State Board of Election Commissioners may withhold funding for county election commissioner training attendance from any county that fails to comply with the

rules and guidelines developed by the board for the administration of election commissioner training until all requirements are met to the satisfaction of the board.

**Authority.** Arkansas Code § 7-4-109.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained a footnote to 7 CAR § 80-107 as follows: "9 A.C.A. § 7-7-201(b)(3)".

**7 CAR § 80-108. Training materials.**

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

**Authority.** Arkansas Code § 7-4-109.