

Title 7. Elections

Chapter III. State Board of Election Commissioners

Subchapter E. Training

Part 81. Rules for Poll Worker and County Clerk Training

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

"(Effective: March 17, 2002; Revised: May 7, 2022)"

Subpart 1. Generally

7 CAR § 81-101. Scope.

(a) This part will set forth the methods for coordinating training on early voting and election-day procedures for poll workers and county clerks 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 § 81-102. Definitions.

As used in this part:

(1) "Advanced poll worker training" means the curriculum developed and approved by the State Board of Election Commissioners that poll judges and poll sheriffs are required to complete;

(2) "Basic poll worker training" means the curriculum developed and approved by the State Board of Election Commissioners that all poll workers are required to complete;

(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" includes 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;

(4) "Poll worker" means an election official designated by the:

(A) County board of election commissioners to be an election clerk, election judge, or election sheriff at a polling site; or

(B) County clerk to be an election clerk, election judge, or election sheriff at an early voting location;

(5) "Polling site" means a location selected by the county board of election commissioners where votes are cast; and

(6) "Precinct" means a geographical area, the boundaries of which are determined by a county board of election commissioners to facilitate voting by the registered voters from that geographical area.

Authority. Arkansas Code § 7-4-109.

7 CAR § 81-103. Qualifications of election officials designated as poll workers.

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

- (1) Must be a qualified elector of this state;
- (2) Must be able to read and write the English language;
- (3) Must be a resident of a precinct permitted to vote at the polling site in which he or she serves at the time of his or her appointment, unless the county board of election commissioners determines unanimously that it is impossible to obtain qualified poll workers from the precinct, in which case the poll worker shall be a qualified county resident;
- (4) Must not have been found guilty or pled guilty or nolo contendere to the violation of any 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 be a candidate for any office to be filled at an election while serving as a poll worker;
- (8) Must not be married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to

the service is made to the county board of election commissioners within seven (7) calendar days after the posting of the list of officials;

(9) Must not be the spouse of a member of the county board of election commissioners 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; and

(10) Must not be the chair or the spouse of a chair of a county political party 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.

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 § 81-103 following the phrase "The qualifications" as follows: "[1] A.C.A. § 7-4-109".

Footnote to 7 CAR § 81-103 following the phrase "General Assembly" cited "2 Art 3, § 10 of the Arkansas Constitution, as amended by Amendment 85".

7 CAR § 81-104. Required training for certified poll worker trainers.

(a) Each county board of election commissioners shall:

(1)(A) Designate at least two (2) qualified electors of the county to attend training conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election for the purpose of being certified by the State Board of Election Commissioners as poll worker trainers for the county.

(B) Each designee shall attend either:

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

(ii) An advanced training program conducted by the State Board of Election Commissioners after each regular legislative session.

(C) Any designee who has not served as a certified poll worker trainer during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program; and

(2)(A) Ensure that all poll workers at each preferential primary election polling site for a regularly scheduled election attended election training conducted locally by State Board of Election Commissioners-certified trainers and coordinated by the State Board of Election Commissioners prior to each regularly scheduled preferential primary election.

(B) All poll workers appointed by the county election commission are required to receive the basic poll worker training curriculum approved by the State Board of Election Commissioners.

(C) At least two (2) poll workers at each polling location are required to receive the advanced poll worker training curriculum approved by the State Board of Election Commissioners.

(D) The county election commission may elect to administer the full training curriculum to all poll workers in the county.

(b) For all elections following the regularly scheduled preferential primary election, county boards of election commissioners shall ensure that each poll worker has attended election training coordinated by the State Board of Election Commissioners within twelve (12) months prior to the election in which they are serving.

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 § 81-104(a)(2)(A) cited "3 A.C.A. § 7-4-109(e)(1)".

Footnote to 7 CAR § 81-104(b) cited "4 A.C.A. § 7-4-107(b)(2)(C) as amended by Act 966 of 2019".

7 CAR § 81-105. Certification and compensation of poll worker trainers.

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

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

(2) A maximum of two (2) certified trainers per county are eligible to receive one hundred dollars (\$100) each plus mileage reimbursement at the rate established for state employees by state travel rules;

(3) The two (2) certified trainers per county are eligible to receive an additional fifty dollars (\$50) each per training session, up to a maximum of four (4) sessions each, for conducting poll worker training locally before the preferential primary election; and

(4) Certified trainers' compensation will be paid by the board to the county treasurer upon receipt of the reporting form approved and provided by the board to the county for that purpose.

(b)(1) Certification and compensation of additional county trainers will be considered by the board on a case-by-case basis based upon need and availability of sufficient resources and funding.

(2) The compensation of the certified trainers for more than two (2) training sessions will also be considered by the board on a case-by-case basis based upon need and availability of sufficient resources and funding.

(c) Requests for additional certified trainers or compensation for additional training sessions in excess of the limitation established in this section must:

(1) Be made in writing; and

(2) Describe the facts and circumstances that make the additional personnel and funding necessary for the effective training of county trainers.

Authority. Arkansas Code § 7-4-109.

7 CAR § 81-106. Examination of poll worker trainers.

(a) In order to complete this training program, the person designated as a poll worker trainer shall complete an examination of essential skills developed and administered by the State Board of Election Commissioners.

(b) A person who fails to obtain a passing score on this examination shall not:

(1) Be certified as a county poll worker trainer; or

(2) Receive compensation for attending the certified poll worker training.

(c) The board shall issue a certification to each poll worker trainer designee who attended poll worker training and demonstrated competency in the skills essential for conducting an election through the examination process.

(d) A poll worker trainer designee may take the examination up to three (3) times.

Authority. Arkansas Code § 7-4-109.

7 CAR § 81-107. Examination of poll workers.

(a)(1) Each poll worker trained pursuant to this part shall complete an examination of essential skills:

(A) Developed by the State Board of Election Commissioners; and

(B) Administered by a certified poll worker trainer for the county.

(2)(A) The county board of election commissioners shall issue a certification to each poll worker who:

(i) Attended poll worker training; and

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

(B) Poll workers shall take the examination corresponding with the level of training completed by the poll worker.

(C) A poll worker may take the examination up to three (3) times prior to an election in which the poll worker has been appointed to serve.

(3) The certification shall include the date:

(A) The certification is issued; and

(B) One (1) year from issuance upon which the certification expires.

(b) The certified poll worker trainers for the county shall certify to the Director of the State Board of Election Commissioners under penalty of perjury the following information regarding poll worker training they conduct:

(1) The name of each poll worker certified;

(2) The date the poll worker was certified;

(3) The poll worker's score on the examination of essential skills;

(4) The name of the certified poll worker trainer or trainers administering the training and examination to the poll worker;

(5) The number of election day and CBEC-administered early voting polling sites in the county; and

(6) Whether the poll worker was appointed by the:

(A) County board of election commissioners; or

(B) County clerk.

Authority. Arkansas Code § 7-4-109.

Codification Notes. "CBEC" means county board of election commissioners.

7 CAR § 81-108. Compensation for poll worker training attendance.

(a) A certified poll worker who attends the basic poll worker training curriculum administered by a State Board of Election Commissioners-certified poll worker trainer and who works the preferential primary election immediately following the training is eligible to receive a maximum thirty-five-dollar one-time payment for attending training.

(b) A certified poll worker who attends the advanced poll worker training curriculum administered by a board-certified poll worker trainer and who works the preferential primary election immediately following the training is eligible to receive a maximum fifty-five-dollar one-time payment for attending training.

(c) A county is eligible to receive compensation for poll workers attending the basic poll worker training up to a maximum of ten (10) eligible poll workers per polling site per preferential primary election.

(d) A county is eligible to receive compensation for poll workers attending advanced poll worker training up to a maximum of two (2) eligible poll workers per polling site per preferential primary election.

(e) Poll worker compensation will be paid by the board to the county treasurer upon receipt of the information certified to the Director of the State Board of Election Commissioners under 7 CAR § 81-106(b).

(f) Under Arkansas Code § 7-4-109(e)(2)(B), an election official who does not pass an examination of essential skills is not eligible for compensation for attending a board-coordinated training.

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 § 81-108(a) cited "5 A.C.A. § 7-4-109(e)(2)".

Footnote to 7 CAR § 81-110(b) cited "6 A.C.A. § 7-4-109(e)(2)".

7 CAR § 81-109. Required training for county clerks.

(a)(1) A county clerk or his or her designee shall attend training for poll worker trainers conducted by the State Board of Election Commissioners before the regularly scheduled preferential primary election.

(2) Each county clerk or designee shall attend:

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

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

(b)(1)(A) 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 clerks.

(B) Advanced trainings:

(i) Are to only be utilized for clerks or designees who are unable to attend the comprehensive training; and

(ii) May be conducted remotely.

(C) Advanced trainings may not 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 the county clerk's office in conducting an election.

(2) Any county clerk or designee who has not served as an election official during the previous two (2) preferential primary and general elections and previously attended the comprehensive training program conducted by the State Board of Election Commissioners must attend the comprehensive training program.

(c)(1) A county clerk or a county clerk's designee may train any poll worker appointed by the county clerk to conduct clerk-administered early voting.

(2) However, a county clerk or a county clerk's designee may not train election officials appointed by the CBEC unless they or a county clerk's designee is designated as a certified poll worker trainer by the CBEC.

(d)(1) A county clerk or his or her designee shall be administered the same examination as the county's certified poll worker trainers.

(2) In the event a county clerk has sent a designee to this training, the director shall notify the county clerk if the designee fails to demonstrate competency in the skills essential for conducting an election through the examination process.

(e) County clerks or clerk designees who attend training under this section:

(1) Are eligible to receive mileage reimbursement at the rate established for state employees by state travel rules; and

(2) Are not eligible to receive any additional compensation.

(f) Any reimbursement will be paid by the State Board of Election Commissioners to the county treasurer upon receipt of the reporting form approved and provided by the State Board of Election Commissioners to the county for that purpose.

Authority. Arkansas Code § 7-4-109.

Codification Notes. "CBEC" means county board of election commissioners.

7 CAR § 81-110. Required training for poll workers in clerk-administered early voting.

(a) The county clerk shall ensure poll workers selected by the county clerk to conduct early voting have been trained by a person authorized to conduct poll worker training pursuant to this part.

(b) The examination of poll workers appointed by the county clerk to conduct early voting administered by the county clerk shall be conducted pursuant to 7 CAR § 81-107.

(c) Poll workers appointed by the county clerk to conduct early voting administered by the county clerk are eligible for compensation pursuant to the requirements of 7 CAR § 81-108.

(d) An election official who is appointed by the county clerk and the county board of election commissioners may not receive more than one (1) compensation payment for attending training under this part.

(e) The county clerk, with the consent of the county board of election commissioners, may:

(1) Allow the certified poll worker trainers appointed by the county board of election commissioners to train the county clerk's early voting election staff; and

(2) Designate a certified poll worker trainer appointed by the county board of election commissioners as the county clerk's designee under Arkansas Code § 7-4-109(e)(1)(B).

(f) For all elections following the regularly scheduled preferential primary election, the county clerk shall ensure that each poll worker appointed by the county clerk has attended election training coordinated by the State Board of Election Commissioners within twelve (12) months prior to the election in which they are serving.

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 § 81-110(f) as follows: "7 A.C.A. § 7-4-107(b)(2)(C) as amended by Act 966 of 2019".

7 CAR § 81-111. Noncompliance.

The State Board of Election Commissioners may withhold funding for poll worker and county clerk training attendance from any county that fails to comply with the rules and guidelines developed by the board for the administration of poll worker 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 § 81-111 as follows: "8 A.C.A. § 7-7-201(b)(3)".

7 CAR § 81-112. Training materials.

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

(b)(1) Poll worker training shall be conducted only by board-certified trainers.

(2) Trainers are required to use materials provided by the board.

(3) This requirement includes the presentation of all multimedia provided by the board.

(c)(1) Any exception to the requirements of this section must be by prior written request to the board with prior written approval by the board.

(2) Approval by the board is not required for materials related to voting system training or supplemental procedures not addressed by materials provided by the board.

Authority. Arkansas Code § 7-4-109.