

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/8/21

A Bill

SENATE BILL 582

5 By: Senators K. Hammer, M. Johnson
6 By: Representatives Ladyman, Barker, Beaty Jr., Beck, Bentley, M. Berry, S. Berry, Boyd, Bragg,
7 Brooks, Brown, Carr, Cavanaugh, Christiansen, Cloud, Coleman, C. Cooper, Cozart, Crawford, Dalby,
8 M. Davis, Eaves, Eubanks, Evans, L. Fite, Gazaway, Gonzales, M. Gray, Haak, Hawks, Hollowell,
9 Lowery, Lundstrum, Maddox, McCollum, McGrew, McNair, S. Meeks, Payton, Penzo, Pilkington,
10 Richmond, Rye, B. Smith, S. Smith, Speaks, Vaught, Warren, Watson, Wing, Wooten
11

For An Act To Be Entitled

12
13 AN ACT TO AMEND ARKANSAS LAW CONCERNING COUNTY BOARDS
14 OF ELECTION COMMISSIONERS; TO AMEND HOW COUNTY BOARDS
15 OF ELECTION COMMISSIONERS TAKE THE OATH; AMEND THE
16 LAW CONCERNING COMPLAINTS FOR ELECTION LAW
17 VIOLATIONS; TO AMEND ARKANSAS LAW CONCERNING
18 ELECTIONS; TO AMEND THE LAW CONCERNING POLL WORKERS;
19 AND FOR OTHER PURPOSES.
20
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Subtitle

22
23 TO AMEND ARKANSAS LAW CONCERNING COUNTY
24 BOARDS OF ELECTION COMMISSIONERS; TO
25 AMEND HOW COUNTY BOARDS OF ELECTION
26 COMMISSIONERS TAKE THE OATH; AND TO AMEND
27 THE LAW CONCERNING COMPLAINTS FOR
28 ELECTION LAW VIOLATIONS.
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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 SECTION 1. Arkansas Code § 7-4-102(b)(2) and (3), concerning the oath
34 and election of members of county boards of election commissioners, are
35 amended to read as follows:

36 (2)(A) Upon receipt of the notice, the county clerk shall send



1 to each of the county election commissioners, by registered mail, ~~notice to~~
2 ~~appear before the clerk~~ within thirty (30) days of selection as a county
3 election commissioner, a notice to take and subscribe to the oath prescribed
4 by the Arkansas Constitution.

5 (B) A county election commissioner shall take the oath
6 before:

7 (1) A justice or judge of the:

8 (i) Supreme Court;

9 (ii) Court of Appeals;

10 (iii) Circuit court;

11 (iv) District court; or

12 (v) County court;

13 (2) The county clerk;

14 (3) The clerk of the circuit court; or

15 (4) A justice of the peace.

16 (3) The oath shall be filed in the office of the county clerk
17 and the county clerk shall forward a duplicate ~~forwarded~~ to the Secretary of
18 State.

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20 SECTION 2. Arkansas Code § 7-4-107(b)(2)(B), concerning the duties of
21 the county board of election commissioners, is amended to read as follows:

22 (B)(i) The election judge shall serve as the poll
23 supervisor.

24 (ii) No election judge shall serve in the same
25 precinct as a spouse, parent, stepparent, child, stepchild, sibling, or
26 stepsibling, unless they serve on separate shifts that do not run
27 concurrently or in other duties as assigned unless approved by the county
28 board of election commissioners.

29
30 SECTION 3. Arkansas Code § 7-4-107, concerning the duties of the
31 county board of election commissioners, is amended to add an additional
32 subsection to read as follows:

33 (d) A county board of election commissioners may enact policies
34 pursuant to the official duties of the county board of election commissioners
35 under Arkansas law.

36

1 SECTION 4. Arkansas Code § 7-4-109(a), concerning the qualifications
2 of state and county commissioners, election officials, poll workers, and
3 certified election monitors, is amended to add an additional subdivision to
4 read as follows:

5 (4) Candidates, members of a candidate's immediate family to the
6 second degree of kinship by affinity or consanguinity, and any member of a
7 candidate's principal campaign committee are ineligible for appointment
8 unless otherwise exempted by the county board of election commissioners.

9
10 SECTION 5. Arkansas Code § 7-4-109(b)(2), concerning the
11 qualifications of state and county commissioners, election officials, poll
12 workers, and certified election monitors, is amended to read as follows:

13 (2)(A) An election official shall be a resident of the ~~precinct~~
14 county in which he or she serves at the time of his or her appointment.

15 (B) ~~However, if at the time of posting election officials~~
16 ~~the county board of election commissioners votes unanimously and certifies to~~
17 ~~the county clerk that it is impossible to obtain a qualified election~~
18 ~~official from any precinct in the county, another qualified citizen of the~~
19 ~~county may be designated to serve in the precinct.~~

20 ~~(C)~~ An election coordinator, deputy clerk, ~~or~~ person
21 assigned by a county clerk, or person assigned by the county board of
22 election commissioners to conduct early voting does not have to be a resident
23 of the precinct or county in which he or she serves.

24
25 SECTION 6. Arkansas Code § 7-4-109(c)(2), concerning the
26 qualifications of state and county commissioners, election officials, poll
27 workers, and certified election monitors, is amended to read as follows:

28 (2)(A) Except as provided in subdivision (c)(2)(B) of this
29 section, a person ~~-serving on the county board of election commissioners~~ shall
30 not participate in the campaign of any candidate listed on a ballot or of a
31 write-in candidate seeking election in that county that falls under the
32 county board of election commissioners' jurisdiction or authority if a person
33 is:

34 (i) Serving on the county board of election
35 commissioners;

36 (ii) Designated as county election staff;

1 (iii)(a) A deputy county clerk;

2 (b) A deputy county clerk is eligible to
 3 participate in a campaign if the deputy county clerk is a candidate but shall
 4 not perform any duties of an election official related to the election for
 5 which the deputy county clerk is a candidate;

6 (iv) A temporary employee of the county clerk
 7 working on election matters;

8 (v) Serving as a county election coordinator; or

9 (vi)(a) A county clerk.

10 (b) A county clerk is eligible to participate
 11 in the campaign for county clerk if the county clerk is a candidate but shall
 12 designate a deputy clerk to fulfill the duties of a clerk related to the
 13 election for which the clerk is a candidate for reelection.

14 ~~(B)(i) A member of the county board of election~~
 15 ~~commissioners person who shall not participate in the campaign of any~~
 16 ~~candidate identified in subdivision (c)(2)(A) of this section shall not:~~

17 (a) Manage a campaign;

18 (b) Perform labor for a campaign;

19 (c) Solicit on behalf of a candidate or
 20 campaign;

21 (d) Pass out or place handbills, signs, or
 22 other literature concerning a candidate's campaign;

23 (e) Assist a candidate's campaign at a rally
 24 or parade; ~~or~~

25 (f) Display candidate placards or signs on an
 26 automobile; or

27 (g) Campaign on ballot issues.

28 (ii) A member of the county board of election
 29 commissioners may:

30 (a) Make a financial contribution to a
 31 candidate;

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

35 (c) Participate in a political party
 36 convention.

1
2 SECTION 7. Arkansas Code § 7-4-109(d), concerning the qualifications
3 of state and county commissioners, election officials, poll workers, and
4 certified election monitors, are amended to read as follows:

5 (d) A person shall not serve as an election official if:

6 (1) The person is married to or related within the second degree
7 of consanguinity to a candidate running for office in the election; and

8 (2) The spouse of a member of a county board of election
9 commissioners;

10 (3) A county party chair or his or her spouse;

11 (4) Another person makes an objection to his or her service to
12 the county board of election commissioners within ten (10) calendar days
13 after posting the list of officials.

14
15 SECTION 8. Arkansas Code § 7-4-109(e)(1)(C) and (D), concerning the
16 qualifications of state and county commissioners, election officials, poll
17 workers, and certified election monitors, are amended to read as follows:

18 (C) A poll worker; ~~and~~

19 (D) A certified election monitor; and

20 (E) A county election coordinator.

21
22 SECTION 9. Arkansas Code § 7-4-109(e)(2), concerning the
23 qualifications of state and county commissioners, election officials, poll
24 workers, and certified election monitors, is amended to read as follows:

25 (2)(A) *The State Board of Election Commissioners shall determine*
26 *the method and amount of compensation for attending the training.*

27 (B) A person receiving the training shall take and pass an
28 examination of essential skills as determined by the State Board of Election
29 Commissioners to receive compensation.

30 (C) A person who passes an examination under subdivision
31 (e)(2)(B) of this section shall receive a certificate of completion.

32 (D) The State Board of Election Commissioners shall
33 promulgate rules under the Administrative Procedures Act, § 25-15-201 et
34 seq., concerning the training requirements, materials, and examination of
35 essential skills.

1 SECTION 10. Arkansas Code § 7-4-109(e), concerning the qualifications
2 of state and county commissioners, election officials, poll workers, and
3 certified election monitors, is amended to add additional subdivisions to
4 read as follows:

5 (4)(A) A county board of election commissioners by a majority
6 vote shall designate a person to attend the required training as a county
7 election coordinator.

8 (B) The State Board of Election Commissioners shall not
9 provide training or compensation for attending training to a county election
10 coordinator if the county election coordinator has not been designated to
11 take the required training by a county board of election commissioners.

12 (5)(A) The State Board of Election Commissioners shall identify
13 at least one (1) person not employed by a county in any capacity each year,
14 who shall receive the same training as a county election coordinator, and who
15 shall receive compensation for attending training.

16 (B) The person identified by the State Board of Election
17 Commissioners may be a state employee being cross-trained, or a person who is
18 not a state employee that the State Board of Election Commissioners considers
19 qualified to become an acting county election coordinator as a special
20 employee of the State Board of Election Commissioners.

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22 SECTION 11. Arkansas Code § 7-5-202(a)(2), concerning service as an
23 election official, deputy county clerk, or additional deputy, is repealed.

24 ~~(2)(A) A person shall not serve as an election official if:~~

25 ~~(i) The person is:~~

26 ~~(i) Married to or related within the second degree~~
27 ~~of consanguinity to a candidate running for office in the election;~~

28 ~~(ii) The spouse of a member of a county board of~~
29 ~~election commissioners; or~~

30 ~~(iii) A county party chair or his or her spouse; and~~

31 ~~(B) Another person makes an objection to his or her~~
32 ~~service to the county board of election commissioners within ten (10)~~
33 ~~calendar days after posting the list of officials.~~

34
35 SECTION 12. Arkansas Code § 7-5-414(b), concerning the qualifications
36 and appointment of election clerks, is amended to add additional subdivisions

1 to read as follows:

2 (3) No election clerk shall serve in the same precinct as a
3 spouse, parent, stepparent, child, stepchild, sibling, or stepsibling, unless
4 they serve on separate shifts that do not run concurrently or in other duties
5 as assigned unless approved by the county board of election commissioners.

6 (4)(A) Election clerks working in groups of two shall not be
7 from the same political party.

8 (B) If an election clerk with a political affiliation that
9 is the same as a political party represented on the county board of election
10 commissioners is unavailable, the county board of election commissioners
11 shall select an election clerk without party affiliation, with the party
12 affiliation of a new political party, or with the party affiliation of
13 another political party not represented on the county board of election
14 commissioners.

15 (C) The county board of election commissioners may approve
16 alternate election clerks that do not meet the requirements of subdivisions
17 (b)(4)(A) and (B) of this section by a majority vote of the county board of
18 election commissioners.

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/s/K. Hammer