

STATE BOARD OF ELECTION COMMISSIONERS

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RULES FOR COUNTY ELECTION COMMISSIONERS TRAINING

The State Board of Election Commissioners held a public hearing on July 6, 2011 following a thirty-day public comment period to adopt revisions to the “Rules for County Election Commissioners Training” that set forth the procedures for training the 225 members of the county boards of election commissioners. Below is a summary of the initial revisions that were approved by the Board on May 25, 2011 for the public comment period, followed by a list of persons commenting on the rule, a summary of the comments, and the agency’s response to the comments.

Initial changes included: 1) addressing a legislative change in the definition of “County Board of Election Commissioners”; 2) refining the definition of “primary election” for clarity; 3) establishing an advanced training program for experienced election commissioners, allowing commissioners who have previously attended comprehensive training the option of attending a shorter advanced program consisting of legal updates and discussion of new issues; and 4) eliminating certification for election commissioner training attendance.

PERSONS COMMENTING ON THE RULE

Board of Directors, Arkansas County Election Commission Association (Stu Soffer email: Wednesday, June 15, 2011)

Jefferson County Board of Election Commissioners (fax: Thursday, June 23, 2011)

Stone County Election Commissioner Vern Humphrey (email: Sunday, June 12, 2011)

SUMMARY OF COMMENTS

Rule 702 regarding Required Training on page 4: Recommendations were made on rewording the rule so that 1) newly appointed county commissioners would be required to attend the “first class of election commissioner training” conducted by the State Board following appointment to the commission, 2) commissioners with previous experience would be allowed to forego attendance at this training, 3) commissioners would have a choice between attending a comprehensive training program to be conducted in February of odd-numbered years or advanced training (legislative update training) in even-numbered years before the preferential primary election, and 4) newly appointed commissioners would be allowed to forego attending comprehensive or advanced training if they attended the “first class of election commissioner training” within the six months preceding the comprehensive or advanced training.

AGENCY’S RESPONSE TO COMMENTS

The rules approved by the State Board for public comment require all commissioners to attend training, as required by law. An option to attend advance training is available to only those commissioners who have previously attended comprehensive training and who have served on the commission during the preferential primary and general elections immediately preceding the advanced training on election law changes that will be conducted in the fall of odd-numbered years following each regular legislative session. Any commissioner who does not meet this specific criteria must attend comprehensive training conducted by the State Board in the early months of even-numbered years immediately preceding the regularly scheduled preferential primary election.

The rewording of the rule as proposed by the public comments would require that other training, in addition to the State Board’s advanced training held in odd-numbered years and comprehensive training held in even-numbered years, be conducted for newly appointed commissioners. Otherwise, the legal requirement that all county election commissioners attend training coordinated by the State Board before the regularly scheduled preferential primary election could not be met, as proposed. While the State Board’s proposed rule clearly identifies the criteria for attending advanced training, the changes proposed by public comment call for “previous CBEC experience in Arkansas” without clearly defining the specific criteria for having met that requirement.

RULE CHANGE AS A RESULT OF PUBLIC COMMENTS

None