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# Proposed Rulemaking

## Title

Promulgated by:  
State Board of Election Commissioners

### **Title 7. Elections**

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

##### **Subchapter B. Administration**

###### **Part 51. Appointment of Certified Election Monitors**

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

###### **7 CAR § 51-101. Scope of rules.**

(a)(1) Pursuant to Arkansas Code § 7-4-101, the State Board of Election Commissioners has the duty to appoint at least one (1) certified election monitor from each congressional district and the authority to appoint a monitor to any county upon a signed, written request under oath filed with the board and a determination by the board that appointing a monitor is necessary.

(2) Certified election monitors serve as observers and report to the board on the conduct of the election.

(b) The board may allow for reasonable compensation of certified election monitors assigned to a county by the board.

(c) This part sets forth the procedures for appointing, certifying, and compensating certified election monitors, and sets out the duties of monitors.

(d) This part is in addition to and not a substitute for the laws of the state of Arkansas.

###### **7 CAR § 51-102. Requests for monitors.**

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(a)(1) Any person alleging a violation of any election law under the investigative jurisdiction of the State Board of Election Commissioners may request appointment of a certified election monitor.

(2) The request for appointment of a certified election monitor must be in writing and signed under oath by the requestor.

(3) A sample format of a request for appointment of a certified election monitor is provided in Attachment A.

(b) The request must clearly state the specific alleged election irregularities or illegalities, when and where the alleged activity occurred, and provide any supporting facts surrounding the allegations.

(c) All requests for monitors received within seven (7) calendar days of the beginning date for early voting or election day will be processed only if exceptional circumstances are shown that prevented an earlier filing of the request with the board.

### **7 CAR § 51-103. Processing requests for monitors.**

(a) Upon receipt by the State Board of Election Commissioners of a request for appointment of a certified election monitor, the Director of the State Board of Election Commissioners shall determine if the request meets all requirements as set forth in 7 CAR § 51-102.

(b) If the request does not meet all requirements set forth in 7 CAR § 51-102, the requestor for the appointment of a certified monitor will be advised of such in writing.

(c) If the director determines that the request meets all requirements set forth in 7 CAR § 51-102, the request for appointment of a certified election monitor will be fulfilled based upon the:

(1) Approval by the State Board of Election Commissioners of the director's determination; and

(2) Availability of certified election monitors.

### **7 CAR § 51-104. Qualifications of election monitors.**

(a) Election monitors certified and appointed by the State Board of Election Commissioners shall be qualified electors of this state, able to read and write the English language, and shall not have been found guilty or pled guilty or nolo contendere to the violation of any election law of this state.

(b)(1) No election monitor shall be:

- (A) A paid employee of any political party;
- (B) A paid employee of any person running for any office;
- (C) An elected official;
- (D) An active county election commissioner;
- (E) An officer of a political party's county committee;
- (F) Married to or related within the second degree of consanguinity to any candidate running for office in the current election;

(G) Related by marriage to any candidate running for office in the current election; or

(H) A candidate for any office to be filled at any election while serving as a monitor.

(2) However, the Director of the State Board of Election Commissioners may waive the qualifications that an election monitor may not be married to or related within the second degree of consanguinity to any candidate running for office in the current election, or related by marriage to any candidate running for office in the current election, if the director makes a determination in writing that:

(A) The disqualifying person is not on the ballot in the county to be monitored; and

(B) There are no other factors relating to the relationship that would affect the election monitor's ability to fairly and accurately observe and report on the election in an impartial manner.

## **7 CAR § 51-105. Certification of election monitors.**

(a)(1) No person may serve as an election monitor without prior training, approval, and certification by the State Board of Election Commissioners.

(2) The executed "Authorization to Serve as a Certified Election Monitor for the State Board of Election Commissioners" form (Attachment B) must be presented to the chief election official at the polling or counting location and shall serve as confirmation of certification by the board.

(b) The Director of the State Board of Election Commissioners shall determine the dates and times of training and the types of training that election monitors must complete.

## **7 CAR § 51-106. Duties of election monitors.**

(a) Prior to the election period, the certified election monitor shall attend training hosted and led by the State Board of Election Commissioners

(b) During the election period and while at polling or counting location the certified election monitor shall:

(1) Maintain strict impartiality in the conduct of duties and at no time express any bias or preference in relation to parties, candidates, or any issues in the election process;

(2) Undertake duties in an unobtrusive manner and not interfere with the election process, polling day procedures, or the vote count;

(3) Carry documentation prescribed and issued by the Director of the State Board of Election Commissioners and present documentation to any election official or law enforcement officer upon request;

(4) Not display or wear any partisan symbols, colors, or banners;

(5) Base all observations on well documented, factual, and verifiable evidence; and

(6) Refrain from making any comments about observations to the media or any other interested persons and limit all remarks to general information about the nature of the activity as an observer.

(c) Following the election, the certified election monitor shall prepare a post-election report for submission to the State Board of Election Commissioners in a form prescribed by the director.

**7 CAR § 51-107. Compensation and expense reimbursement.**

(a)(1) For the services listed herein, each certified election monitor shall receive:

- (A) One hundred dollars (\$100) per day for completion of duties under 7 CAR § 51-106(c);
- (B) Three hundred dollars (\$300) per day for completion of duties under 7 CAR § 51-106(b); and
- (C) Travel reimbursement at the rate prescribed for state employees in state travel regulations.

(2) No other compensation may be paid.

(b) Reimbursement for mileage, meals, and overnight lodging may be paid only with advance approval of the Director of the State Board of Election Commissioners and in accordance with rules for reimbursement for state employees promulgated by the Department of Finance and Administration.

**7 CAR § 51-108. Authority of certified election monitors.**

(a) Upon identifying themselves in either a polling location or a ballot counting location, a certified election monitor shall be given access to:

- (1) All areas of the polling location or ballot counting location;
- (2) The records located at the site; and
- (3) The certified election monitor may request the poll supervisor the information necessary to fill out the certified election monitor's report for the State Board of Election Commissioners.

**Appendix A. Request for Appointment of a Certified Election Monitor**

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/23/7CARpt.51AttachmentA.pdf>

**Appendix B. Authorization To Serve As A Certified Election Monitor For The State Board Of Election Commissioners**

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/24/7CARpt.51AttachmentB.pdf>