

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL 1091

4 **By: Representatives Mahony, Flanagan, Dietz, Parkerson, Allen, Pryor, and Bisbee**

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For An Act To Be Entitled

8 "AN ACT TO REQUIRE THE COUNTY OR PROSECUTING ATTORNEY TO
9 DEFEND ANY *CIVIL* LAWSUIT BROUGHT AGAINST THE COUNTY
10 ELECTION COMMISSION OR ITS MEMBERS IF THEY ARE SUED IN
11 REGARD TO ACTS OR OMISSIONS MADE DURING THE COURSE OF
12 THEIR OFFICIAL DUTIES; AND FOR OTHER PURPOSES."

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Subtitle

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15 "TO REQUIRE THE COUNTY OR PROSECUTING ATTORNEY TO DEFEND
16 *CIVIL* LAWSUITS BROUGHT AGAINST THE COUNTY ELECTION
17 COMMISSION."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 *SECTION 1. Arkansas Code 7-4-106 is amended to read as follows:*

22 *"§7-4-106. Assistance of prosecuting attorney.*

23 *(a) The county board of election commissioners, as created by this*
24 *subchapter, may call upon the prosecuting attorney or his deputy for legal*
25 *opinion, advice, or assistance in defending, commencing, or appealing civil*
26 *actions at law and equity.*

27 *(b) The county or prosecuting attorney shall defend any civil lawsuit*
28 *brought against the county election commission, or its members, if they are*
29 *sued in regard to acts or omissions made during the course of their official*
30 *duties."*

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32 *SECTION 2. All provisions of this act of a general and permanent nature*
33 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*
34 *Revision Commission shall incorporate the same in the Code.*

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1 SECTION 3. If any provision of this act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 act are declared to be severable.

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7 SECTION 4. All laws and parts of laws in conflict with this act are
8 hereby repealed.

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/s/Jodie Mahony, et al

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