

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2372

5 By: Representative King
6
7

For An Act To Be Entitled

9 AN ACT CONCERNING REVISIONS TO THE STATE BOARD OF
10 ELECTION COMMISSIONERS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING REVISIONS TO THE STATE
13 BOARD OF ELECTION COMMISSIONERS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 7-4-101 is amended to read as follows:

20 7-4-101. State Board of Election Commissioners - Members - Officers -
21 Meetings.

22 (a) The State Board of Election Commissioners shall be composed of the
23 following seven (7) persons, with at least one (1) from each district:

24 (1) The Secretary of State;

25 (2) One (1) person designated by the chairman of the state
26 Democratic Party;

27 (3) One (1) person designated by the chairman of the state
28 Republican Party;

29 (4) One (1) person to be chosen by the President Pro Tempore of
30 the Senate;

31 (5) One (1) person to be chosen by the Speaker of the House of
32 Representatives; and

33 (6) Two (2) persons to be chosen by the Governor, one (1) of
34 whom shall be a county clerk and one (1) of whom shall have served for at
35 least three (3) years as a county election commissioner.

36 (b) The Secretary of State shall serve as ~~chairman~~ chair and secretary



1 of the board ~~and keep the records of the state board.~~

2 (c) Except for the Secretary of State and the county clerk, no member
3 of the ~~state~~ board shall be an elected public official.

4 (d)(1) The term on the ~~state~~ board of the elected state official shall
5 be concurrent with the term as the public elected officer official.

6 (2) The county clerk shall hold the office of county clerk when
7 appointed to the state board and shall be removed as a member of the ~~state~~
8 board if not in office.

9 (3)(A) ~~The term of office of the board members appointed by the~~
10 ~~President Pro Tempore and the Speaker of the House shall be two (2) years or~~
11 ~~until their successors are appointed and qualified in the manner provided in~~
12 ~~this section for the initial appointment.~~ Members of the board appointed by
13 the President Pro Tempore of the Senate and the Speaker of the House of
14 Representatives shall be appointed for terms of two (2) years and shall
15 continue to serve until successors have been appointed and taken the official
16 oath.

17 (B) ~~The term on the state board of all other appointive~~
18 ~~members shall be four (4) years or until their successors are appointed and~~
19 ~~qualified in the manner provided in this section for the initial appointment.~~
20 All other appointive members shall be appointed for terms of four (4) years
21 and shall continue to serve until successors have been appointed and have
22 taken the official oath.

23 (4) No appointive member shall be appointed to serve more than
24 two (2) consecutive full terms.

25 (5)(A) If a vacancy on the board occurs, a successor shall be
26 appointed within thirty (30) days to serve the remainder of the unexpired
27 term.

28 (B) The appointment shall be made by the official holding
29 the office responsible for appointing the predecessor.

30 (e)(1) The ~~state~~ board shall meet as needed ~~at a time and place which~~
31 ~~shall be designated by~~ upon call of the chair or upon written request to the
32 chair of any four (4) ~~or more~~ members.

33 (2) A majority of the membership of the ~~state~~ board shall
34 constitute a quorum for conducting business.

35 (3) No sanctions shall be imposed without the affirmative vote
36 of at least four (4) members of the board.

1 ~~(3)~~(4) Meetings of the ~~state~~ board may be chaired and conducted
 2 by either the chair, ~~if present~~, or a ~~state board~~ member of the board
 3 designated by the chair as acting chair for the meeting ~~by the chair~~.

4 (f) The state board shall perform the following duties:

5 (1) Publish a candidate’s election handbook, in conjunction with
 6 the office of the Secretary of State and the Arkansas Ethics Commission,
 7 which outlines in a readable and understandable format the legal obligations
 8 of a candidate and any other suggestions that might be helpful to a candidate
 9 in complying with state election law;

10 (2) Conduct statewide training for election officials and county
 11 election commissioners;

12 (3) Adopt all necessary rules and regulations regarding training
 13 referred to in subdivision (f)(2) of this section and develop procedures for
 14 monitoring attendance;

15 (4) Monitor all election law-related legislation;

16 (5) Review citizen complaints regarding violations of election
 17 and voter registration laws and forward them to the proper authorities,
 18 except as to § 7-1-103(a)(1)-(4), (6), and (7) or except for any matter
 19 relating to campaign finance and disclosure laws, which the Arkansas Ethics
 20 Commission shall have the same power and authority to enforce as is provided
 21 the commission under §§ 7-6-217 and 7-6-218 for the enforcement of campaign
 22 finance laws;

23 (6) Develop procedures for reviewing and forwarding citizen
 24 complaints referred to in subdivision (f)(5) of this section;

25 (7) Formulate, adopt, and promulgate all necessary rules and
 26 regulations to assure even and consistent application of voter registration
 27 laws and fair and orderly election procedures;

28 (8)(A) Appoint certified election monitors to any county upon a
 29 signed, written request under oath filed with the state board and a
 30 determination by the state board that appointing a monitor is necessary.

31 (B) Certified election monitors shall serve as observers
 32 for the purpose of reporting to the state board on the conduct of the
 33 election.

34 (C) The state board may allow for reasonable compensation
 35 for election monitors;

36 (9) Assist the county board of election commissioners in the

1 performance of the administrative duties of the election process if the state
 2 board determines that assistance is necessary and appropriate;

3 (10)(A) Formulate, adopt, and promulgate all necessary rules and
 4 regulations to establish uniform and nondiscriminatory administrative
 5 complaint procedures consistent with the requirements of Title IV of the
 6 federal Help America Vote Act.

7 (B) The cost of compliance with Title IV of the federal
 8 Help America Vote Act shall be paid from the fund established to comply with
 9 the federal Help America Vote Act.

10 ~~(10)~~(11) If the state board finds a violation of election and
 11 voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), or
 12 except for any matters relating to campaign finance and disclosure laws which
 13 the commission shall have the same power and authority to enforce under §§ 7-
 14 6-217 and 7-6-218 for the enforcement of campaign finance laws, the state
 15 board may do one (1) or more of the following:

16 (A) Issue a public letter of caution or warning or
 17 reprimand;

18 (B)(i) Impose a fine of not less than twenty-five dollars
 19 (\$25.00) nor more than one thousand dollars (\$1,000) for negligent or
 20 intentional violation of this subchapter.

21 (ii) The state board shall adopt rules governing the
 22 imposition of such fines in accordance with the provisions of the Arkansas
 23 Administrative Procedure Act, § 25-15-201 et seq.

24 (iii) All moneys received by the state board in
 25 payment of fines shall be deposited in the State Treasury as general
 26 revenues; or

27 (C) Report its finding, along with such information and
 28 documents as it deems appropriate, and make recommendations to the proper law
 29 enforcement authorities;

30 ~~(11)~~(12) The state board shall complete its investigation of a
 31 complaint filed pursuant to this section within no later than ninety (90)
 32 days of the filing of the complaint; and

33 ~~(12)~~(13) Any final action of the state board under this section
 34 shall constitute an adjudication for purposes of judicial review under § 25-
 35 15-212.”

36 ~~(g) All election related questions are to be answered by the Secretary~~

1 ~~of State's office pursuant to § 7-1-106 and shall be consistent and in~~
2 ~~conformity with any policies, guidelines, or regulations established by the~~
3 ~~state board.~~

4 ~~(h)(g)~~ The Attorney General shall provide legal assistance to the
5 state board in answering questions regarding election laws.

6 (h)(1) The board may appoint a director who may hire a staff.

7 ~~(i)(1)(2)~~ The Director of the State Board of Election Commissioners
8 and the staff shall serve at the pleasure of the state board.

9 ~~(2)(3)~~ The Secretary of State shall exercise daily supervision
10 of the director and the staff, consistent with personnel policy.

11 ~~(3)(4)~~ The state board shall set the personnel policies in
12 accordance with the Regular Salary Procedures and Restrictions Act, § 21-5-
13 101 et seq., and the Uniform Classification and Compensation Act, § 21-5-201
14 et seq.

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