

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1447

5 By: Representative M. Gray
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO TRANSFER THE STATE BOARD OF ELECTION
10 COMMISSIONERS TO THE OFFICE OF THE SECRETARY OF
11 STATE; TO AMEND THE LAW CONCERNING COMPLAINTS OF
12 ELECTION LAW VIOLATIONS; TO DECLARE AN EMERGENCY; AND
13 FOR OTHER PURPOSES.
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Subtitle

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17 TO TRANSFER THE STATE BOARD OF ELECTION
18 COMMISSIONERS TO THE OFFICE OF THE
19 SECRETARY OF STATE; TO AMEND THE LAW
20 CONCERNING COMPLAINTS OF ELECTION LAW
21 VIOLATIONS; AND TO DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. DO NOT CODIFY. Transfer of the State Board of Election
27 Commissioners to the office of the Secretary of State.

28 (a) Effective July 1, 2017, the State Board of Election Commissioners
29 is transferred as a Type 1 transfer under § 25-2-104 to the office of the
30 Secretary of State.

31 (b) The board shall be administered under the direction and
32 supervision of the Secretary of State, but shall retain the same prescribed
33 statutory powers, authorities, duties, and functions as the board had before
34 the transfer, including:

35 (1) Rulemaking, regulation, licensing, and registration;

36 (2) The promulgation of rules, rates, and standards; and



1 (3) The rendering of findings, orders, and adjudications.

2 (c) The State Board of Election Commissioners shall exercise those
 3 powers, authorities, duties, and functions independently of the office of the
 4 Secretary of State.

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 6 SECTION 2. The introductory language of Arkansas Code § 7-4-101(a),
 7 concerning the State Board of Election Commissioners, is amended to read as
 8 follows:

9 (a) The State Board of Election Commissioners within the office of the
 10 Secretary of State shall be composed of the following seven (7) persons, with
 11 at least one (1) from each congressional district:

12
 13 SECTION 3. The introductory language of Arkansas Code § 7-4-101(f) and
 14 (f)(1), concerning the State Board of Election Commissioners, are amended to
 15 read as follows:

16 (f) The ~~board~~ Secretary of State shall have the authority to:

17 (1) Publish a candidate's election handbook, in conjunction with
 18 the ~~office of the Secretary of State board~~ and the Arkansas Ethics
 19 Commission, which outlines in a readable and understandable format the legal
 20 obligations of a candidate and any other suggestions that ~~might~~ the Secretary
 21 of State determines to be helpful to a candidate in complying with state
 22 election law;

23
 24 SECTION 4. Arkansas Code § 7-4-101(g) and (h), concerning the State
 25 Board of Election Commissioners, are amended to read as follows:

26 ~~The Attorney General~~ An attorney designated by the Secretary of State
 27 shall provide legal assistance to the board in answering questions regarding
 28 election laws.

29 ~~(h)(1) The board may appoint a Director of the State Board of Election~~
 30 ~~Commissioners, who may hire a staff.~~

31 ~~(2) The director shall serve at the pleasure of the board.~~

32 ~~(3) The board shall set the personnel policies in accordance~~
 33 ~~with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq.,~~
 34 ~~and the Uniform Classification and Compensation Act, § 21-5-201 et seq.~~

35
 36 SECTION 5. Arkansas Code § 7-4-120(c)(2), concerning complaints of

1 election law violations, is amended to read as follows:

2 (2) Except as provided in subdivisions (c)(3) and (4) of this
3 section, records under this section are exempt from disclosure under the
4 Freedom of Information Act of 1967, § 25-19-101 et seq., until:

5 (A) A hearing by the Chair of the State Board of Election
6 Commissioners is set; or

7 (B) The investigation by the State Board of Election
8 Commissioners is closed by the Chair of the State Board of Election
9 Commissioners.

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11 SECTION 6. Arkansas Code § 7-4-120(h)(4), concerning complaints of
12 election law violations, is amended to read as follows:

13 (4) All moneys received by the State Board of Election
14 Commissioners in payment of fines shall be deposited into the ~~State Treasury~~
15 ~~as general revenues~~ County Voting System Grant Fund, under § 19-5-1247.

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17 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that the State Board of Election
19 Commissioners is a substantial component of the election process; that
20 effective elections are essential to the preservation of a citizen's right to
21 vote; and that this act is necessary to complete the transfer of the State
22 Board of Election Commissioners before the 2017 annual school election.
23 Therefore, an emergency is declared to exist, and this act being necessary
24 for the preservation of the public peace, health, and safety shall become
25 effective on July 1, 2017.