

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Smith**

# A Bill

**ACT 1014 OF 1995**  
**SENATE BILL 693**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-4-102 AND 7-4-103 TO  
9 PLACE A DEADLINE ON A COUNTY BOARD OF ELECTION  
10 COMMISSION'S SUBMISSION OF NAMES FOR THE THIRD COUNTY  
11 POSITION TO THE STATE BOARD OF ELECTION COMMISSIONERS; AND  
12 FOR OTHER PURPOSES."

## Subtitle

15 "TO PLACE A DEADLINE ON A COUNTY  
16 ELECTION COMMISSION\_S SUBMISSION OF  
17 NAMES FOR THE THIRD COUNTY POSITION."

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

21 SECTION 1. Arkansas Code 7-4-102 is amended to read as follows:

22 "7-4-102. County boards of election commissioners - Election of members  
23 - Oath.

24 (a) (1) The county chairman of the county committee of the majority  
25 party and the county chairman of the county committee of the minority party  
26 shall be members of the county board of election commissioners together with  
27 one (1) additional or third member to be appointed by the State Board of  
28 Election Commissioners.

29 (2) (A) Provided, however, if the county chairman of a county  
30 committee of the majority party or the minority party is an elected official  
31 or is otherwise ineligible to serve as a member of the county board of  
32 election commissioners, he or she shall not serve as a member of the county  
33 board of election commissioners, but the county committee shall elect someone  
34 to serve in his or her stead.

35 (B) No elected official who serves as county party chairman  
36 shall participate as a party officer in providing for or conducting a party

1 primary election in which his or her name appears on the ballot as a candidate  
2 for any office.

3           (3) Any county chairman of a county committee of the majority  
4 party or the minority party may elect not to serve as a member of the board of  
5 election commissioners, and the county committee shall appoint someone to  
6 serve in his or her stead.

7           (b) (1) The third member for each of the county boards of election  
8 commissioners shall be appointed by the State Board of Election Commissioners  
9 from a list of five (5) names submitted to the State Board of Election  
10 Commissioners by the county committee of the majority party.

11           (2) (A) The nominees shall be certified to the State Board of  
12 Election Commissioners by the chairman of the county committee of the majority  
13 party.

14           (B) The third members for each of the county boards of  
15 election commissioners shall be elected by a majority vote of the State Board  
16 of Election Commissioners from the list of five (5) nominees submitted.

17           (C) The list of five (5) nominees shall be certified and  
18 submitted to the State Board of Election Commissioners by the majority party  
19 county committee chairman subsequent to the primary election but at least  
20 sixty (60) calendar days before any general election for state, district, or  
21 county office.

22           (D) The third member of each county board of election  
23 commissioners shall be elected as aforesaid by the State Board of Election  
24 Commissioners at least *fifty (50)* calendar days before any general election  
25 for state, district, or county office.

26           (3) In the event of the failure of any county chairman of the  
27 county central committee of the majority party to submit five (5) names in  
28 nomination for the third member of the county board of election commissioners  
29 within the time herein stipulated, the State Board of Election Commissioners  
30 shall nominate and elect by majority vote any resident of the county as the  
31 third member at any time prior to the general election.

32           (4) In the event that the identity of the county chairman of the  
33 county central committee of the majority party is in dispute, the State Board  
34 of Election Commissioners shall nominate and elect by majority vote the third  
35 member at any time prior to the general election.

1           (5) The result of the State Board of Election Commissioners'  
2 election for the third member shall be final.

3           (c) Notification of the election of the third member of the county  
4 board of election commissioners shall be made in writing, over the signature  
5 of the chairman and secretary of the state board, and the secretary shall mail  
6 to each of the elected county commissioners at their last known addresses a  
7 notice of their election and, in addition thereto, shall mail to the clerks of  
8 the county courts a certificate of the appointment of the commissioners.

9           (d) Upon receipt of the certificate of the appointment, it shall be the  
10 duty of the county clerk to cause to be sent to each of the commissioners, by  
11 registered mail, notice to appear before the clerk at least thirty (30) days  
12 prior to the date of the general election to take and subscribe to the oath  
13 prescribed by Arkansas Constitution, Article 19, § 20. The oath shall be  
14 endorsed upon the certificate, and, when so endorsed, the certificate shall be  
15 filed in the office of the county clerk and a duplicate thereof forwarded to  
16 the Secretary of the State Board of Election Commissioners."

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18           SECTION 2. Arkansas Code 7-4-103 is amended to read as follows:

19           "7-4-103. Vacancies on state and county boards.

20           (a) In the event of a vacancy or disqualification on the part of any  
21 state or county chairman for either the majority or minority parties, the  
22 state vice chairman or county vice chairman of the party in which the vacancy  
23 occurs shall act as county chairman or state chairman as the case may be for  
24 all of the purposes set out in §§ 7-4-101, 7-4-102, and this section until a  
25 new county chairman or state chairman is selected by the parties.

26           (b) In the event that no county chairman or county vice chairman has  
27 been elected in any of the several counties of Arkansas for either the  
28 majority party or minority party by the fiftieth calendar day before any  
29 general election, then and in that event, the State Board of Election  
30 Commissioners shall have authority to elect by majority vote qualified persons  
31 from the county committee of the majority or minority party so affected to  
32 fill the vacancies whether or not the vacancies are caused by failure to  
33 elect, death, resignation, or disqualification. However, all appointments to  
34 fill the vacancies of the county boards of election commissioners shall be  
35 terminated immediately upon the election of a county chairman or county vice

1 chairman qualified to serve upon the county board of election commissioners as  
2 herein provided.

3       (c) In the event of a vacancy or disqualification of any third member  
4 of a county board who was duly elected by the State Board of Election  
5 Commissioners, the county chairman of the county committee of the majority  
6 party shall immediately notify the chairman of the State Board of Election  
7 Commissioners of the vacancy or disqualification. Upon receipt of the  
8 notification, the chairman shall immediately call a meeting of the State Board  
9 of Election Commissioners who shall fill the vacancy from the list of  
10 remaining nominees originally submitted by the county committee at any time  
11 prior to a general election, except when the county committee did not submit  
12 the list of nominees at least sixty (60) calendar days before a general  
13 election, the State Board of Election Commissioners shall nominate and elect  
14 by majority vote any resident of the county as the third member at any time  
15 prior to a general election."

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17       SECTION 3. All provisions of this act of a general and permanent nature  
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
19 Revision Commission shall incorporate the same in the Code.

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

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27       SECTION 5. All laws and parts of laws in conflict with this act are  
28 hereby repealed.

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*/s/Smith*

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31                   BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-10-95

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