

*As Engrossed: 1/19/95*

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 741 OF 1995**  
**HOUSE BILL 1002**

4 **By: Representatives Flanagan, Harris, Critcher and Bush**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 7-4-101 TO RECONSTITUTE THE  
9 STATE BOARD OF ELECTION COMMISSIONERS; AND FOR OTHER  
10 PURPOSES."

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### **Subtitle**

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"TO RECONSTITUTE THE STATE BOARD OF  
ELECTION COMMISSIONERS."

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

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18 SECTION 1. Arkansas Code 7-4-101 is amended to read as follows:

19 "7-4-101. State Board of Election Commissioners - Members - Officers -  
20 Meetings.

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

24 (1) The Secretary of State;

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

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

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

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

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

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1 (b) The Secretary of State shall serve as chairman and secretary of the  
2 board and keep the records of the board.

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

5 (d) The term on the board of the elected state official shall be  
6 concurrent with the term as public elected officer. The county clerk shall  
7 hold the office of county clerk when appointed to the board and shall be  
8 removed as a member of the board if not in office. The term on the board of  
9 all other board members shall be two (2) years or until their successors are  
10 appointed and qualified in the manner provided hereinabove for the initial  
11 appointment. No appointive member shall be reappointed for more than one (1)  
12 term to succeed himself.

13 (e) The board shall meet at least every three (3) months, and more often  
14 if needed, at a time and place which shall be designated by the chairman or  
15 upon the call of four (4) or more members. *If the chairman calls a meeting of*  
16 *the board other than the regular quarterly meeting the chairman shall notify*  
17 *each member by certified mail posted at least fourteen (14) days prior to the*  
18 *meeting. If any meeting other than the regular quarterly meeting is called by*  
19 *at least four (4) members of the board the members calling the meeting shall*  
20 *notify each member by certified mail posted at least fourteen (14) days prior*  
21 *to the meeting. However, the meetings may be chaired and conducted by either*  
22 *the chairman, if present, or a board member designated acting chairman for the*  
23 *meeting by the chairman.*

24 (f) The State Board of Election Commissioners may perform the following  
25 duties:

26 (1) Publish a plain English election handbook which addresses the  
27 do's and dont's for candidates under Arkansas law;

28 (2) Conduct statewide training for election clerks and judges and county  
29 election commissioners;

30 (3) Monitor all election law-related legislation;

31 (4) Conduct investigations of citizen complaints and issue advisory  
32 opinions regarding violations of election laws except when the same relates to  
33 campaign finance and disclosure laws or is within the jurisdiction of the  
34 Arkansas Ethics Commission;

35 (5) To develop procedures for receiving citizen complaints which are

1 referred to in subdivision (f) (4);

2 (6) Establish guidelines for and monitor the qualifications of all  
3 election officials; and

4 (7) Formulate, adopt, and promulgate all necessary rules and regulations  
5 to assure even and consistent application of fair and orderly election  
6 procedures.

7 (g) All election-related questions are to be answered by the Secretary of  
8 State's office pursuant to §7-1-106 and shall be consistent and in conformity  
9 with any policies, guidelines, or regulations established by the board.

10 (h) The Attorney General shall provide legal assistance to the State  
11 Board of Election Commissioners in answering questions regarding election  
12 laws."

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14 SECTION 2. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

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

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

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27 */s/Rep. Flanagan, et al*

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29 APPROVED: 3-23-95

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