

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senators Malone and Harriman**

# A Bill

**ACT 940 OF 1995**  
**SENATE BILL 445**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-4-101 AND 7-8-403 TO  
9 AUTHORIZE THE STATE BOARD OF ELECTION COMMISSIONERS TO  
10 PROMULGATE REGULATIONS TO OVERSEE COMPLIANCE WITH THE  
11 NATIONAL VOTER REGISTRATION ACT OF 1993; *TO RECONSTITUTE*  
12 *THE STATE BOARD OF ELECTION COMMISSIONERS*; AND FOR OTHER  
13 PURPOSES."

## Subtitle

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15 "TO AUTHORIZE THE STATE BOARD OF  
16 ELECTION COMMISSIONERS TO PROMULGATE  
17 REGULATIONS TO OVERSEE COMPLIANCE WITH  
18 THE NATIONAL VOTER REGISTRATION ACT OF  
19 1993"

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

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

25 "7-4-101. State Board of Election Commissioners - Members - Officers -  
26 Meetings.

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

30 (1) The Secretary of State;

31 (2) One (1) person designated by *the chairman of the state*  
32 Democratic Party;

33 (3) One (1) person designated by *the chairman of the state*  
34 Republican Party;

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

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

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

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

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

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

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

29          (f) The State Board of Election Commissioners shall perform the  
30 following duties:

31           (1) *Publish a candidate's election handbook, in conjunction with*  
32 *the Arkansas Ethics Commission, which outlines, in a readable and*  
33 *understandable format, the legal obligations of a candidate and any other*  
34 *suggestions that might be helpful to a candidate in complying with state*  
35 *elections law;*

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

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

4           (4) Conduct investigations of citizen complaints and issue  
5 advisory opinions regarding violations of election and voter registration  
6 laws, except as to Arkansas Code Annotated 7-1-103(1) through (4), (6), (7)  
7 and (8), or except for any matter relating to campaign finance and disclosure  
8 laws, which the Arkansas Ethics Commission shall have the same power and  
9 authority to enforce as is provided the commission under 7-6-217 and 7-6-218  
10 for the enforcement of campaign finance laws;

11           (5) To develop procedures for receiving citizen complaints which  
12 are referred to in subdivision (f)(4);

13           (6) Formulate, adopt, and promulgate all necessary rules and  
14 regulations to assure even and consistent application of fair and orderly  
15 election procedures; and

16           (7) promulgate all regulations necessary to assure compliance  
17 with the National Voter Registration Act.

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

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

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

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

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

3 /s/Malone

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5 APPROVED: 4-5-95

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