

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/12/13

A Bill

HOUSE BILL 1553

5 By: Representatives Love, *Ferguson*
6 By: Senator K. Ingram
7

For An Act To Be Entitled

9 AN ACT TO CREATE A PROCEDURE FOR CRIMINAL BACKGROUND
10 CHECKS FOR CANDIDATES; TO REQUIRE THAT A CANDIDATE
11 HAVING CRIMINAL HISTORY BE GIVEN NOTICE PRIOR TO THE
12 ELECTION THAT HE OR SHE IS NOT QUALIFIED TO HOLD
13 OFFICE; AND FOR OTHER PURPOSES.
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Subtitle

16 TO CREATE A PROCEDURE FOR CRIMINAL
17 BACKGROUND CHECKS FOR CANDIDATES; AND TO
18 REQUIRE THAT A CANDIDATE HAVING CRIMINAL
19 HISTORY BE GIVEN NOTICE PRIOR TO THE
20 ELECTION THAT HE OR SHE IS NOT QUALIFIED
21 TO HOLD OFFICE.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 *SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 2, is amended*
28 *to add a new section to read as follows:*
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30 *7-5-213. Criminal background checks for candidates.*

31 *(a) Under the Arkansas Constitution, Article 5, § 9, a candidate is*
32 *not qualified to hold public office if he or she has been convicted of*
33 *embezzlement of public money, bribery, forgery, or other infamous crime.*

34 *(b)(1)(A) A candidate shall file a criminal background check waiver at*
35 *the same time and place the candidate files his or her political practices*
36 *pledge under §§ 6-14-111, 7-5-205, 7-6-102, 7-7-103, 7-7-203, 7-10-103, and*



1 14-42-206.

2 (B) The candidate shall pay the fees associated with the
3 criminal background check.

4 (2) The waiver shall be on a form prescribed by the State Board
5 of Election Commissioners and shall include:

6 (A) The candidate's:

7 (i) Name;

8 (ii) Date of birth;

9 (iii) Gender;

10 (iv) Race; and

11 (v) Social security number;

12 (B) A statement indicating that the information the
13 candidate has provided is true; and

14 (C) A space for the candidate's printed name, signature,
15 and the date of signing.

16 (3) The waiver shall be filed under seal and shall be exempt
17 from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et
18 seq.

19 (c)(1) Immediately after receipt and filing of the criminal background
20 check waiver and fee, the Secretary of State or county clerk shall submit a
21 copy of the waiver and a request for the criminal background check to the
22 Department of Arkansas State Police.

23 (2) If the waiver was filed with the county clerk, the county
24 clerk immediately shall provide a copy of the waiver to the Secretary of
25 State and notify the Secretary of State of the date and time the waiver was
26 submitted to the Department of Arkansas State Police.

27 (d)(1) The Department of Arkansas State Police shall complete the
28 criminal background check and notify the Secretary of State of the results no
29 later than seven (7) days after the receipt of the waiver.

30 (2) The notification shall be in writing and shall include:

31 (A) The candidate's personal identifying information; and

32 (B) A copy of the candidate's criminal background check
33 information.

34 (e)(1) If the candidate's criminal background check waiver is returned
35 to the Secretary of State indicating that the candidate has been convicted of
36 an offense under subsection (a) of this section, before certification of the

1 candidate's name to the ballot, the Secretary of State shall:

2 (A) Notify the candidate in writing:

3 (i) Of the conviction; and

4 (ii) That the candidate is potentially unqualified
5 to hold public office;

6 (B) Provide copies of the written document under
7 subdivision (e)(1)(A) of this section to the Attorney General and the
8 prosecuting attorney for the county in which the candidate filed for office;
9 and

10 (C) Allow the candidate to withdraw from candidacy if he
11 or she chooses.

12 (2)(A) If the candidate who has been convicted of an offense
13 under subsection (a) of this section is elected to office, upon removal from
14 office the court shall order a penalty of not less than one thousand dollars
15 (\$1,000) and not more than twenty five thousand dollars (\$25,000).

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17 /s/Love
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