

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

A Bill

SENATE BILL 722

5 By: Senator B. King
6

For An Act To Be Entitled

8 AN ACT TO TRANSFER THE STATE BOARD OF ELECTION
9 COMMISSIONERS TO THE OFFICE OF THE SECRETARY OF
10 STATE; TO AMEND THE LAW CONCERNING CERTAIN DUTIES IN
11 ELECTIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO TRANSFER THE STATE BOARD OF ELECTION
16 COMMISSIONERS TO THE OFFICE OF THE
17 SECRETARY OF STATE; TO AMEND THE LAW
18 CONCERNING CERTAIN DUTIES IN ELECTIONS;
19 AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 7-4-101(f) through (h), concerning certain
26 powers and functions of the State Board of Election Commissioners, is amended
27 to read as follows:

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

29 (1) Publish a candidate's election handbook, in conjunction with
30 the ~~office of the Secretary of State~~ State Board of Election Commissioners
31 and the Arkansas Ethics Commission, which outlines in a readable and
32 understandable format the legal obligations of a candidate and ~~any~~ other
33 suggestions that ~~might~~ the Secretary of State determines to be helpful to a
34 candidate in complying with state election law;

35 (2) Conduct statewide training for election officers and county
36 election commissioners;



1 (3) Adopt all necessary rules regarding training referred to in
2 subdivision (f)(2) of this section and develop procedures for monitoring
3 attendance;

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

5 (5) Formulate, adopt, and promulgate all necessary rules to
6 assure even and consistent application of voter registration laws and fair
7 and orderly election procedures;

8 (6)(A) Appoint certified election monitors to any county upon a
9 signed, written request under oath filed with the board and a determination
10 by the board that appointing a monitor is necessary.

11 (B) Certified election monitors shall serve as observers
12 for the purpose of reporting to the board on the conduct of the election.

13 (C) The board may allow for reasonable compensation for
14 election monitors;

15 (7) Assist the county board of election commissioners in the
16 performance of administrative duties of the election process if the board
17 determines that assistance is necessary and appropriate;

18 (8)(A) Formulate, adopt, and promulgate all necessary rules to
19 establish uniform and nondiscriminatory administrative complaint procedures
20 consistent with the requirements of Title IV of the federal Help America Vote
21 Act.

22 (B) The cost of compliance with Title IV of the federal
23 Help America Vote Act shall be paid from the fund established to comply with
24 the federal Help America Vote Act;

25 (9) Investigate alleged violations, render findings, and impose
26 disciplinary action according to § 7-4-118 for violations of election and
27 voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), and
28 except for any matters relating to campaign finance and disclosure laws which
29 the Arkansas Ethics Commission shall have the power and authority to enforce
30 according to §§ 7-6-217 and 7-6-218;

31 (10) Examine and approve in accordance with §§ 7-5-503 and 7-5-
32 606 the types of voting machines and electronic vote tabulating devices used
33 in any election; and

34 (11) Administer reimbursement of election expenses to counties
35 in accordance with § 7-7-201(a) for primary elections, statewide special
36 elections, and nonpartisan judicial general elections.

1 (g) ~~The Attorney General~~ An attorney designated by the
 2 Secretary of State shall provide legal assistance to the board in answering
 3 questions regarding election laws.

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

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

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

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 11 SECTION 2. Arkansas Code § 7-4-118(e)(3), concerning moneys received
 12 by the State Board of Election Commissioners in payment of fines, is amended
 13 to read as follows:

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

17
 18 SECTION 3. Arkansas Code § 7-4-118(g)(2), concerning records of
 19 inquiries, investigations, and proceedings of the State Board of Election
 20 Commissioners, is amended to read as follows:

21 (2) Records relating to investigations by the board are exempt
 22 from the Freedom of Information Act of 1967, § 25-19-101 et seq., until a
 23 hearing is set or the investigation by the ~~Director~~ chair of the State Board
 24 of Election Commissioners is closed.

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 26 SECTION 4. Arkansas Code Title 7, Chapter 4, Subchapter 1, is amended
 27 to add an additional section to read as follows:

28 7-4-120. State Board of Election Commissioners – Transfer.

29 (a) The State Board of Election Commissioners is transferred to the
 30 Office of the Secretary of State by a type 1 transfer, under § 25-2-104,
 31 under which the departments, institutions, other agencies, or parts thereof,
 32 shall be administered under the direction and supervision of that principal
 33 department, but shall retain the same prescribed statutory powers,
 34 authorities, duties, and functions as the board had before the transfer,
 35 including:

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

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

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

4 (b) The State Board of Election Commissioners shall exercise those
5 powers, authorities, duties, and functions independently of the head of the
6 principal department.

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8 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that the State Board of Election
10 Commissioners is a substantial component of the election process, that
11 effective elections are essential to the preservation of citizens' right to
12 vote, and that it is necessary to complete the transfer of the State Board of
13 Election Commissioners before the 2013 annual school election. Therefore, an
14 emergency is declared to exist, and this act being immediately necessary for
15 the preservation of the public peace, health, and safety shall become
16 effective on and after July 1, 2013.