

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

# A Bill

DRAFT JAW/JAW  
SENATE BILL

5  
6 By: Senator B. King

7 Filed with: Interim Senate Committee on State Agencies and Governmental Affairs  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT TO REVISE THE MEMBERSHIP AND TERMS OF THE  
11 STATE BOARD OF ELECTION COMMISSIONERS; TO AMEND THE  
12 LAW CONCERNING THE STATE BOARD OF ELECTION  
13 COMMISSIONERS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES.

## 16 Subtitle

17 TO REVISE THE MEMBERSHIP AND TERMS OF THE  
18 STATE BOARD OF ELECTION COMMISSIONERS; TO  
19 AMEND THE LAW CONCERNING THE STATE BOARD  
20 OF ELECTION COMMISSIONERS; AND TO DECLARE  
21 AN EMERGENCY.  
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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 § 7-4-101(a)-(e), concerning composition and  
28 terms of the State Board of Election Commissioners, is amended to read as  
29 follows:

30 (a) The State Board of Election Commissioners shall be composed of the  
31 following ~~seven (7)~~ nine (9) persons, with at least one (1) from each  
32 congressional district:

33 (1) The Secretary of State;

34 (2) One (1) ~~person~~ county election commissioner who has served  
35 for at least three (3) years designated by the chair of the state Democratic  
36 Party;

1           (3) One (1) county clerk designated by the chair of the state  
2 Democratic Party;

3           (4) One (1) ~~person~~ county election commissioner who has served  
4 for at least three (3) years designated by the chair of the state Republican  
5 Party;

6           (5) One (1) county clerk designated by the chair of the state  
7 Republican Party;

8           ~~(4)(6)~~ One (1) person ~~to be chosen~~ designated by the President  
9 Pro Tempore of the Senate;

10           ~~(5)(7)~~ One (1) person ~~to be chosen~~ designated by the Speaker of  
11 the House of Representatives; ~~and~~

12           ~~(6)(8)~~ ~~Two (2) persons to be chosen~~ One (1) person designated by  
13 the Governor, ~~one (1) of whom shall be a county clerk and one (1) of whom~~  
14 ~~shall have served for at least three (3) years as a county election~~  
15 ~~commissioner.; and~~

16           (9) One (1) person designated by the Lieutenant Governor.

17           (b) The Secretary of State shall serve as chair and secretary of the  
18 board.

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

21           (d)(1)(A) The term on the board of the Secretary of State shall be  
22 concurrent with his or her term in office.

23           ~~(2) The county clerk shall hold the office of county clerk when~~  
24 ~~appointed to the board and shall be removed as a member of the board if not~~  
25 ~~in office.~~

26           (B) Members of the board appointed by the chairs of the  
27 parties shall be appointed for terms of four (4) years and shall continue to  
28 serve until their successors have been appointed and taken the official oath.

29           ~~(3)(A)(C)~~ Members of the board appointed by the President Pro  
30 Tempore of the Senate and the Speaker of the House of Representatives shall  
31 be appointed for terms of two (2) years and shall continue to serve until  
32 successors have been appointed and taken the official oath.

33           ~~(B) All other appointive members shall be appointed for~~  
34 ~~terms of four (4) years and shall continue to serve until successors have~~  
35 ~~been appointed and taken the official oath.~~

1                    (D) A member of the board appointed by the Governor shall  
2 serve at the pleasure of the Governor.

3                    (E) A member of the board appointed by the Lieutenant  
4 Governor shall serve at the pleasure of the Lieutenant Governor.

5                    ~~(4)~~(2) No appointive member shall be appointed to serve more  
6 than two (2) consecutive full terms.

7                    ~~(5)~~(A)(3)(A) If a vacancy on the board occurs, a successor shall  
8 be appointed within thirty (30) days to serve the remainder of the unexpired  
9 term.

10                    (B) The appointment shall be made by the official holding  
11 the office responsible for appointing the predecessor.

12                    (e)(1) The board shall meet as needed upon call of the chair or upon  
13 written request to the chair of any four (4) members.

14                    (2) A majority of the membership of the board shall constitute a  
15 quorum for conducting business.

16                    (3) No sanctions shall be imposed without the affirmative vote  
17 of at least ~~four~~(4) five (5) members of the board.

18                    (4) Meetings of the board may be chaired and conducted by either  
19 the chair or a member of the board designated by the chair as acting chair  
20 for the meeting.

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22                    SECTION 2. DO NOT CODIFY.

23                    Effective July 1, 2013, the current membership of the State Board of  
24 Election Commissioners is terminated. The terms of the new members of the  
25 State Board of Election Commissioners as appointed under this act shall begin  
26 on July 1, 2013.

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28                    SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
29 General Assembly of the State of Arkansas that the composition of the  
30 membership of the State Board of Election Commissioners is essential to the  
31 integrity of the election process, that honest and effective elections are  
32 essential to the preservation of citizens' right to vote, that all elections  
33 should be conducted by the most qualified and experienced persons in the  
34 state, and that it is necessary to appoint and orient new members to the  
35 State Board of Election Commissioners to ensure that they will be prepared  
36 for the 2013 annual school election. Therefore, an emergency is declared to

1 exist, and this act being immediately necessary for the preservation of the  
2 public peace, health, and safety shall become effective on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,  
5 the expiration of the period of time during which the Governor may veto the  
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is  
8 overridden, the date the last house overrides the veto.

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11 Referral requested by: Senator Bryan King

12 Prepared by: JAW/JAW  
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