

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 2035
"TO AMEND ARKANSAS LAW CONCERNING ETHICS REQUIREMENTS FOR A
MEMBER OF A COUNTY BOARD OF ELECTION COMMISSIONERS."

Amendment No. 1 to House Bill No. 2035.

Amend House Bill No. 2035 as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 7-4-109 is amended to read as follows:

7-4-109. Qualifications of state and county commissioners and other election officials.

(a)(1) The members of the State Board of Election Commissioners, the members of each county board of election commissioners, and election officials shall be qualified electors of this state, able to read and write the English language, and shall not have been found guilty or pleaded guilty or nolo contendere to the violation of any election law of this state.

(2) No election official, as defined in § 7-1-101, shall be a candidate for any office to be filled at any election while serving as an election official.

(3) A member of the county board of election commissioners shall not be disqualified from serving as a member of the county board by the appearance on the ballot as a candidate for a position in his or her political party.

(b) Furthermore, all members of each county board shall be residents of the county in which they serve at the time of their appointment or election. All election officials shall be residents of the precincts in which they serve at the time of their appointment. However, if at the time of posting election officials, the county board by unanimous vote shall find that it is impossible to obtain qualified election officials from any precinct or precincts and shall make certification of that finding to the county clerk, then other qualified citizens of the county may be designated to serve in the precinct or precincts.

(c)(1) No person who is a paid employee of any political party or of any person running for any office on that county's ballot shall be eligible to be a member of a county board or an election official.

~~(2)(A) No person serving on the county board shall participate in any person's campaign listed on that county's ballot.~~

~~(B) The making of a financial contribution to a candidate shall not be considered participating in a candidate's campaign.~~



~~(3)~~(2) No person employed with a company that has any business dealings, contracts, or pending contracts before a county board to which he or she would seek appointment shall be eligible to be a candidate for the county board.

(d) No person may serve as an election official if married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to his or her service is made to the county board within ten (10) calendar days after posting the list of officials.

(e)(1) Prior to the regularly scheduled preferential primary election, each member of the county board of election commissioners for each county and at least two (2) election officials per polling site designated by the county board for each county shall attend election training coordinated by the state board.

(2) The state board shall determine the method and amount of compensation for attending the training.

(f)(1)(A) Except as provided in subdivision (f)(1)(B) of this section, a person serving on a county board or a member of the staff of a county board shall not actively assist the campaign of any person listed on that county's ballot.

(B) Subdivision (f)(1)(A) of this section does not apply to:

(i) A person serving in an official position for a person listed on that county's ballot; or

(ii) A person actively assisting the campaign of a person listed on the county's ballot as a candidate for:

(a) President of the United States;

(b) United States Senate;

(c) United State House of Representatives; or

(d) A constitutional officer of this state.

(2)(A) "Actively assist" includes:

(i) Raising campaign funds for a person listed on that county's ballot;

(ii) Organizing campaign events for a person listed on that county's ballot; or

(iii) Being employed by or volunteering for a person's campaign by donating labor or in-kind services.

(B) "Actively assist" does not include:

(i) The making of a financial contribution to a person listed on that county's ballot;

(ii) Attending a campaign event for a person listed on that county's ballot or a political party event;

(iii) Organizing a political party event; or

(iv) Introducing a candidate at a public event.

(3)(A) The state board shall investigate a violation of this subsection (f) upon the receipt of at least five (5) affidavits alleging a violation executed by persons residing in the county where a person appeared on the ballot.

(B)(i) If investigation by the state board confirms a violation of this subsection (f), the state board shall remove the member or staff member of the county board.

(ii) The state board shall promulgate rules

concerning the process for removal of a member or staff member of the county board.

(iii) Removal of a member or staff member of the county board shall comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(C) If a member of a county board is removed under this section, the vacancy shall be filled under §§ 7-4-103 and 7-4-104."

The Amendment was read _____

By: Representative Saunders
MBM/BGS - 03-25-2009 14:13
MBM250

Chief Clerk