

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1002

By: Representative Tullis

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 7-4-102 TO PROVIDE THAT IF THE CHAIRMAN OF A COUNTY COMMITTEE OF A POLITICAL PARTY IS AN ELECTED OFFICIAL HE SHALL NOT SERVE ON THE COUNTY BOARD OF ELECTION COMMISSIONERS BUT SHALL APPOINT SOMEONE TO SERVE IN HIS STEAD; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 7-4-102 is hereby amended to read as follows:

"(a) The county chairman of the county committee of the majority party and the county chairman of the county committee of the minority party shall be members of the county board of election commissioners together with one (1) additional or third member to be appointed by the State Board of Election Commissioners. Provided, however, if the county chairman of a county committee of the majority party or the minority party is an elected official, he shall not serve as a member of the county board of election commissioners but shall appoint someone who is not an elected official to serve in his stead. The third member for each of the county boards of election commissioners shall be appointed by the State Board of Election Commissioners from a list of five (5) names submitted to the State Board of Election Commissioners by the county committee of the majority party. The nominees shall be certified to the State Board of Election Commissioners by the chairman of the county committee of the majority party. The third members for each of the county board of election commissioners shall be elected by a majority vote of the State Board of Election Commissioners from the list of five (5) nominees submitted. The list of five (5) nominees shall be certified and submitted to the State Board of Election Commissioners by the majority party county committee chairman subsequent to the primary election but at least fifty (50) calendar days before any general election for state, district, or county office. The third

member of each county board of election commissioners shall be elected as aforesaid by the State Board of Election Commissioners at least forty (40) calendar days before any general election for state, district, or county office. In the event of the failure of any county chairman of the county central committee of the majority party to submit five (5) names in nomination for the third member of the county board of election commissioners within the time herein stipulated, the State Board of Election Commissioners shall nominate and elect by majority vote the third member.

(b) Notification of the election of the third member of the county board of election commissioners shall be made in writing, over the signature of the chairman and secretary of the state board, and the secretary shall mail to each of the elected county commissioners at their last known addresses, a notice of their election and, in addition thereto, shall mail to the clerks of the county courts a certificate of the appointment of the commissioners.

(c) Upon receipt of the certificate of the appointment, it shall be the duty of the county clerk to cause to be sent to each of the commissioners, by registered mail, notice to appear before the clerk at least thirty (30) days prior to the date of the general election to take and subscribe to the oath prescribed by Arkansas Constitution, Article 19, §20. The oath shall be endorsed upon the certificate and, when so endorsed, the certificate shall be filed in the office of the county clerk and a duplicate thereof forwarded to the secretary of the State Board of Election Commissioners."

SECTION 2. Every person who, on the effective date of this Act, is county chairman of the county committee of a majority or minority party and is also an elected official shall cease to be a member of the county board of election commissioners on May 1, 1989, and he shall appoint some person who is not an elected official to serve in his stead.

SECTION 3. The Secretary of State shall, as soon as possible, transmit a copy of this Act to each member of each county board of election commissioners.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. Emergency. It is hereby found and determined by the General Assembly that by law the county chairman of the county committee of the majority party and the minority party are members of the county board of election commissioners; that in some instances these persons are also elected officials; that it constitutes at least the appearance of a conflict of interest for the county chairmen, when also elected officials, to serve on the county board of election commissioners; that this Act will prohibit them from serving and therefore avoid the appearance of a conflict of interest; and that until this Act becomes effective the possibility of the conflict of interest will continue. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.