

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 445

4 By: Senators Malone and Harriman

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-4-101 AND 7-8-403 TO
9 AUTHORIZE THE STATE BOARD OF ELECTION COMMISSIONERS TO
10 PROMULGATE REGULATIONS TO OVERSEE COMPLIANCE WITH THE
11 NATIONAL VOTER REGISTRATION ACT OF 1993; *TO RECONSTITUTE*
12 *THE STATE BOARD OF ELECTION COMMISSIONERS*; AND FOR OTHER
13 PURPOSES."

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Subtitle

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

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24 SECTION 1. Arkansas Code 7-4-101 is amended to read as follows:

25 "7-4-101. State Board of Election Commissioners - Members - Officers -
26 Meetings.

27 (a) The State Board of Election Commissioners shall be composed of the
28 following seven (7) persons, with at least one (1) from each congressional
29 district:

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(1) The Secretary of State;

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(2) One (1) person designated by *the chairman of the state*

32 Democratic Party;

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(3) One (1) person designated by *the chairman of the state*

34 Republican Party;

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(4) One (1) person to be chosen by the President Pro Tempore of

1 the Arkansas Senate;

2 (5) One (1) person to be chosen by the Speaker of the Arkansas
3 House of Representatives;

4 (6) Two (2) persons to be chosen by the Governor, one (1) of
5 whom shall be a county clerk *and one (1) of whom shall have served for at*
6 *least three (3) years as a county election commissioner.*

7 (b) The Secretary of State shall serve as chairman and secretary of
8 the board and keep the records of the board.

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

11 (d) The term on the board of the elected state official shall be
12 concurrent with the term as public elected officer. The county clerk shall
13 hold the office of county clerk when appointed to the board and shall be
14 removed as a member of the board if not in office. The term on the board of
15 all other board members shall be two (2) years or until their successors are
16 appointed and qualified in the manner provided hereinabove for the initial
17 appointment. No appointive member shall be reappointed for more than one (1)
18 term to succeed himself.

19 (e) The board shall meet at least every three (3) months, and more
20 often if needed, at a time and place which shall be designated by the
21 chairman. *If the chairman calls a meeting of the board other than the*
22 *regularly quarterly meeting, the chairman shall notify each member by*
23 *certified mail posted at least fourteen (14) days prior to the meeting. If*
24 *any meeting other than the regular quarterly meeting is called by at least*
25 *four (4) members of the board, the members calling the meeting shall notify*
26 *each member by certified mail posted at least fourteen (14) days prior to the*
27 *meeting.* However, the meetings may be chaired and conducted by either the
28 chairman, if present, or a board member designated acting chairman for the
29 meeting by the chairman.

30 (f) The State Board of Election Commissioners shall perform the
31 following duties:

32 (1) *Publish a candidate's election handbook, in conjunction with*
33 *the Arkansas Ethics Commission, which outlines, in a readable and*
34 *understandable format, the legal obligations of a candidate and any other*
35 *suggestions that might be helpful to a candidate in complying with state*

1 *elections law;*

2 (2) Conduct statewide training for election clerks and judges
3 and county election commissioners;

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

5 (4) Conduct investigations of citizen complaints and issue
6 advisory opinions regarding violations of election and voter registration
7 laws, *except as to Arkansas Code Annotated 7-1-103(1) through (4), (6), (7)*
8 *and (8), or except for any matter relating to campaign finance and disclosure*
9 *laws, which the Arkansas Ethics Commission shall have the same power and*
10 *authority to enforce as is provided the commission under 7-6-217 and 7-6-218*
11 *for the enforcement of campaign finance laws;*

12 (5) To develop procedures for receiving citizen complaints which
13 are referred to in subdivision (f)(4);

14 (6) Formulate, adopt, and promulgate all necessary rules and
15 regulations to assure even and consistent application of fair and orderly
16 election procedures; and

17 (7) promulgate all regulations necessary to assure compliance
18 with the National Voter Registration Act.

19 (g) All election-related questions are to be answered by the Secretary
20 of State's office pursuant to § 7-1-106 and shall be consistent and in
21 conformity with any policies, guidelines, or regulations established by the
22 board.

23 (h) The Attorney General shall provide legal assistance to the State
24 Board of Election Commissioners in answering questions regarding election
25 laws."

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27 SECTION 2. All provisions of this act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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

/s/Malone

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