

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1827

4
5 By: Representative Wilson
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For An Act To Be Entitled

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9 "AN ACT TO REPEAL ARKANSAS CODE 7-5-805 PERTAINING TO THE
10 PROCEDURE OF CHALLENGING QUALIFICATIONS TO SERVE IN THE
11 GENERAL ASSEMBLY; AND FOR OTHER PURPOSES."
12

Subtitle

13
14 "REPEAL ARKANSAS CODE 7-5-805 PERTAINING
15 TO THE PROCEDURE OF CHALLENGING
16 QUALIFICATIONS TO SERVE IN THE GENERAL
17 ASSEMBLY."
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 7-5-805 is repealed.

22 ~~"7-5-805. Contest of state legislative offices.~~

23 ~~—— (a) Any contest to the eligibility, qualifications, or election to~~
24 ~~serve as a member of the Senate of the Arkansas General Assembly shall~~
25 ~~be in accordance with the rules and procedures for election contests~~
26 ~~as established by that chamber under its governing rules.~~

27 ~~—— (b)(1) Any action to contest eligibility, qualification, or~~
28 ~~election to serve as a member of the House of Representatives of the~~
29 ~~Arkansas General Assembly shall be initiated by filing a complaint~~
30 ~~with the Arkansas State Claims Commission. This procedure shall apply~~
31 ~~to House election contests pursuant to Arkansas Constitution, Article~~
32 ~~5, Section 11, to contests of eligibility pursuant to Arkansas~~
33 ~~Constitution, Article 5, Section 9, and to actions for expulsion~~
34 ~~pursuant to Arkansas Constitution, Article 5, Section 12.~~

35 ~~—— (2) For House election contests, the complaint shall be filed~~
36 ~~within fifteen (15) days after the election returns are certified by~~

~~1 the county board of the election commissioners. A responsive pleading
2 shall be filed by the House contestee within fifteen (15) days after
3 receipt of the complaint, unless an earlier or later date is set by
4 the commission for good cause shown. Upon receipt of the complaint,
5 the commission shall establish a schedule for discovery and hearing,
6 which schedule shall allow the commission to take and review evidence
7 presented by the parties and submit a nonbinding recommendation to the
8 House of Representatives no later than five (5) days before the date
9 fixed for the assembling of the Arkansas General Assembly.~~

~~10 — (3) For eligibility contests for the House of Representatives
11 pursuant to Arkansas Constitution, Article 5, Section 9, a complaint
12 shall be filed at any time after the election of the individual to a
13 seat in the House of Representatives. For action for expulsion from
14 the House of Representatives pursuant to Arkansas Constitution,
15 Article 5, Section 12, the complaint shall be filed at any time
16 permitted by law. A responsive pleading shall be filed within twenty
17 (20) days after receipt of the complaint, unless an earlier or later
18 date is set by the commission for good cause shown. The commission
19 shall establish a schedule for discovery and hearing, which schedule
20 shall allow the commission to take and review evidence presented by
21 the parties and submit a nonbinding recommendation to the House of
22 Representatives in a timely fashion.~~

~~23 — (4) An additional copy of all complaints filed pursuant to this
24 subsection shall be served on the Speaker of the House of
25 Representatives. The Speaker of the House shall appoint one (1)
26 member of the chamber from each political party to serve as ex
27 officio, nonvoting members of the Arkansas State Claims Commission for
28 the consideration of all matters relating to the complaint.~~

~~29 — (5) In those actions concerning a seat in the House of
30 Representatives, the recommendation is to be made to the Speaker of
31 the House of Representatives. The Speaker of the House of
32 Representatives, shall present the nonbinding recommendation to the
33 members of the House, and the members shall take such actions as they
34 deem appropriate.~~

~~35 — (6) The commission is authorized to promulgate any rules and
36 regulations necessary to carry out the provisions set forth herein~~

1 ~~regarding contests for the seats in the House of Representatives.~~

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