

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/3/99 S3/5/99

A Bill

SENATE BILL 554

5 By: Senator K. Smith
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 7-4-101 TO PERMIT THE
10 STATE BOARD OF ELECTION COMMISSIONERS TO ASSIST IN
11 *ELECTIONS IN A COUNTY; TO PERMIT THE STATE BOARD OF*
12 *ELECTION COMMISSIONERS TO APPOINT ELECTION MONITORS TO*
13 *ENSURE THE ACCURACY OF THE ELECTION RESULTS; AND FOR*
14 *OTHER PURPOSES. "*

Subtitle

16 "TO PERMIT THE STATE BOARD OF ELECTION
17 COMMISSIONERS TO ASSIST IN ELECTIONS IN
18 *A COUNTY. "*
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

25 "(f) The State Board of Election Commissioners shall perform the
26 following duties:

27 (1) Publish a candidate's election handbook, in conjunction with
28 the Arkansas Ethics Commission, which outlines, in a readable and
29 understandable format, the legal obligations of a candidate and any other
30 suggestions that might be helpful to a candidate in complying with state
31 election law;

32 (2) Conduct statewide training for election officials and county
33 election commissioners;

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

35 (4) Conduct investigations of citizen complaints and issue
36 advisory opinions regarding violations of election and voter registration

1 laws, except as to § 7-1-103(a)(1) - (4), (6), (7), and (8) [repealed], or
 2 except for any matter relating to campaign finance and disclosure laws, which
 3 the Arkansas Ethics Commission shall have the same power and authority to
 4 enforce as is provided the commission under §§ 7-6-217 and 7-6-218 for the
 5 enforcement of campaign finance laws;

6 (5) To develop procedures for receiving citizen complaints which
 7 are referred to in subdivision (f)(4) of this section;

8 (6) Formulate, adopt, and promulgate all necessary rules and
 9 regulations to assure even and consistent application of fair and orderly
 10 election procedures; ~~and~~

11 (7) Promulgate all regulations necessary to assure compliance
 12 with the National Voter Registration Act of 1993-;

13 (8) May appoint certified election monitors to any county upon a
 14 signed, written complaint under oath filed with the State Board of Election
 15 Commissioners and a determination by the State Board of Election Commissioners
 16 that appointing a monitor is necessary. The State Board of Election
 17 Commissioners may allow for reasonable compensation for election monitors;

18 (9) May assist in the performance of the administrative duties of
 19 the election process if the County Board of Election Commissioners fails to
 20 perform any or all of the following duties:

21 (A) Printing of ballots twenty-five (25) days prior to the
 22 election;

23 (B) Assigning polling sites;

24 (C) Certifying the ballot within the time required;

25 (D) Certifying the election results; and

26 (E) Providing election supplies to any polling place;

27 (10) If the Board finds a violation of election and voter
 28 registration laws, except as to Arkansas Code 7-1-103(a)(1)-(4), (6) and (7),
 29 or except for any matters relating to campaign finance and disclosure laws,
 30 which the Arkansas Ethics Commission shall have the same power and authority
 31 to enforce under Arkansas Code 7-6-217 and 7-6-218 for the enforcement of
 32 campaign finance laws, the Board may do one (1) or more of the following:

33 (A) Issue a public letter of caution or warning or
 34 reprimand;

35 (B)(i) May impose a fine of not less than twenty-five
 36 dollars (\$25.00) nor more than one thousand dollars (\$1,000) for negligent or

1 intentional violation of this subchapter;

2 (ii) The Board shall adopt rules governing the
3 imposition of such fines in accordance with the provisions of the Arkansas
4 Administrative Procedure Act;

5 (iii) All moneys received by the Board in payment of
6 fines shall be deposited in the State Treasury as general revenues; or

7 (C) Report its finding, along with such information and
8 documents as it deems appropriate, and make recommendations to the proper law
9 enforcement authorities.

10 (11) The Board shall complete its investigation of a complaint
11 filed pursuant to this section no later than ninety (90) days of the filing of
12 the complaint; except that, if a hearing is conducted, all action on the
13 complaint by the Board shall be completed no later than one hundred and twenty
14 (120) days; and

15 (12) Any final action of the Board under this section shall
16 constitute an adjudication for purposes of judicial review under Arkansas Code
17 25-15-212."

18
19 SECTION 2. All provisions of this Act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

22
23 SECTION 3. If any provision of this Act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the Act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 Act are declared to be severable.

28
29 SECTION 4. All laws and parts of laws in conflict with this Act are
30 hereby repealed.

31 /s/ K. Smith

32
33
34
35
36