

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

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

As Engrossed: S3/10/99 H3/29/99

A Bill

SENATE BILL 942

4
5 By: Senator Webb
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For An Act To Be Entitled

8
9 "AN ACT TO CLARIFY THE OFFICIAL STATUS OF COUNTY
10 ELECTION COMMISSIONERS; AND FOR OTHER PURPOSES."

Subtitle

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13 "TO CLARIFY THE OFFICIAL STATUS OF COUNTY
14 ELECTION COMMISSIONERS."

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

18 19 SECTION 1. Legislative intent.

20 Due to the recent United States Eighth Circuit Court of Appeals ruling
21 in Jones v. Conway County, Arkansas, 143 F.3d 417 (8th Cir. 1998) the status
22 of county election commissioners as either county officials or state officials
23 has become unclear. Because of this lack of clarity there has been much
24 confusion as to whether or not election commissioners should have been or
25 currently are immune from suit under the state's policy of tort immunity. It
26 is the intent of the Arkansas General Assembly to clarify the official status
27 of county election commissioners. Prior to the effective date of this act
28 county election commissioners were state officials and, as such, were immune
29 from suit pursuant to Article 5 Sec. 20 of the Arkansas Constitution and
30 Arkansas Code 19-10-305. Upon the effective date of this act county election
31 commissioners are hereby deemed to be county officials and are immune from
32 suit pursuant to Arkansas Code 21-9-301.

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34 SECTION 2. *Arkansas Code 7-4-102 is amended to add an additional*
35 *subsection at the end thereof to read as follows:*

36 "(e) The County Board of Election Commissioners are deemed to be county

1 officials and its members shall be immuned from tort liability pursuant to §
2 21-9-301. ”

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4 SECTION 3. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 4. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 5. All laws and parts of laws in conflict with this act are
15 hereby repealed.

16 /s/ Webb
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