

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/5/01 H3/15/01

## A Bill

HOUSE BILL 1701

5 By: Representative Childers  
6  
7

### For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS RELATING TO THE STATE  
10 BOARD OF ELECTION COMMISSIONERS; AND FOR OTHER  
11 PURPOSES.  
12

### Subtitle

14 TO AMEND THE LAWS RELATING TO THE STATE  
15 BOARD OF ELECTION COMMISSIONERS.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 *SECTION 1. Arkansas Code 7-4-101 (d) through (f), concerning the*  
21 *membership and duties of the State Board of Election Commissioners, is amended*  
22 *to read as follows:*

23 *(d)(1) The term on the state board of the elected state official shall*  
24 *be concurrent with the term as public elected officer.*

25 *(2) The county clerk shall hold the office of county clerk when*  
26 *appointed to the state board and shall be removed as a member of the state*  
27 *board if not in office.*

28 *(3)(A) The term of office of the board members appointed by the*  
29 *President Pro Tempore and the Speaker of the House shall be two (2) years or*  
30 *until their successors are appointed and qualified in the manner provided in*  
31 *this section for the initial appointment.*

32 *(B) The term on the state board of all other ~~state board~~*  
33 *appointive members shall be ~~two (2)~~ four (4) years or until their successors*  
34 *are appointed and qualified in the manner provided in this section for the*  
35 *initial appointment.*

36 *(4) No appointive member shall be ~~reappointed~~ appointed for more*

1 ~~than one (1) term to succeed himself to serve more than two (2) consecutive~~  
 2 ~~full terms.~~

3 (e)(1) The state board shall meet at least every three ~~(3) months, and~~  
 4 ~~more often if as~~ needed, at a time and place which shall be designated by the  
 5 chairman or upon ~~the call~~ written request to the chairman of four (4) or more  
 6 members.

7 (2) ~~If the chairman calls a meeting of the state board other than~~  
 8 ~~the regular quarterly meeting, the chairman shall notify each member by~~  
 9 ~~certified mail posted at least fourteen (14) days prior to the meeting. A~~  
 10 majority of the membership of the board shall constitute a quorum for  
 11 conducting business.

12 ~~(3) If any meeting other than the regular quarterly meeting is~~  
 13 ~~called by at least four (4) members of the state board, the members calling~~  
 14 ~~the meeting shall notify each member by certified mail posted at least~~  
 15 ~~fourteen (14) days prior to the meeting.~~

16 ~~(4)(3) However, the meetings~~ Meetings of the board may be  
 17 chaired and conducted by either the chairman, if present, or a state board  
 18 member designated acting chairman for the meeting by the chairman.

19 (f) The state board shall perform the following duties:

20 (1) Publish a candidate's election handbook, in conjunction with  
 21 the Secretary of State's office and the Arkansas Ethics Commission, which  
 22 outlines in a readable and understandable format the legal obligations of a  
 23 candidate and any other suggestions that might be helpful to a candidate in  
 24 complying with state election law;

25 (2) Conduct statewide training for election officials and county  
 26 election commissioners;

27 (3) Adopt all necessary rules and regulations regarding training  
 28 referred to in subdivision (f)(2) and develop procedures for monitoring  
 29 attendance;

30 ~~(3) (4)~~ Monitor all election law-related legislation;

31 ~~(4) (5)~~ Conduct investigations of Review citizen complaints and  
 32 ~~issue advisory opinions~~ regarding violations of election and voter  
 33 registration laws and forward to the proper authorities, except as to § 7-1-  
 34 103(a)(1)-(4), (6), and (7) or except for any matter relating to campaign  
 35 finance and disclosure laws, which the Arkansas Ethics Commission shall have  
 36 the same power and authority to enforce as is provided the commission under §§

1 7-6-217 and 7-6-218 for the enforcement of campaign finance laws;

2 ~~(5)~~ (6) Develop procedures for ~~receiving~~ reviewing and forwarding

3 citizen complaints ~~which are~~ referred to in subdivision (f)(4) of this

4 section;

5 ~~(6)~~ (7) Formulate, adopt, and promulgate all necessary rules and

6 regulations to assure even and consistent application of voter registration

7 laws and fair and orderly election procedures;

8 ~~(7)~~ ~~Promulgate all regulations necessary to assure compliance~~

9 ~~with the National Voter Registration Act of 1993;~~

10 (8)(A) Appoint certified election monitors to any county upon a

11 signed, written ~~complaint~~ request under oath filed with the state board and a

12 determination by the state board that appointing a monitor is necessary.

13 (B) Certified election monitors shall serve as observers

14 for the purpose of reporting to the state board on the conduct of the

15 election.

16 (C) The state board may allow for reasonable compensation

17 for election monitors; and

18 (9) Assist the county board of election commissioners in the

19 performance of the administrative duties of the election process if the county

20 board of election commissioners fails to perform any or all of the following

21 duties: the state board determines that assistance is necessary and

22 appropriate.

23 ~~(A)~~ ~~Printing ballots twenty five (25) days prior to the~~

24 ~~election;~~

25 ~~(B)~~ ~~Assigning polling sites;~~

26 ~~(C)~~ ~~Certifying the ballot within the time required;~~

27 ~~(D)~~ ~~Certifying the election results; and~~

28 ~~(E)~~ ~~Providing election supplies to any polling place;~~

29 *(10) If the state board finds a violation of election and voter*

30 *registration laws, except as to § 7-1-103(a)(1)-(4), (6) and (7) or except for*

31 *any matters relating to campaign finance and disclosure laws which the*

32 *commission shall have the same power and authority to enforce under §§ 7-6-217*

33 *and 7-6-218 for the enforcement of campaign finance laws, the state board may*

34 *do one (1) or more of the following:*

35 *(A) Issue a public letter of caution or warning or*

36 *reprimand;*

1 (B)(i) Impose a fine of not less than twenty-five dollars  
2 (\$25.00) nor more than one thousand dollars (\$1,000) for negligent or  
3 intentional violation of this subchapter.

4 (ii) The state board shall adopt rules governing the  
5 imposition of such fines in accordance with the provisions of the Arkansas  
6 Administrative Procedure Act, § 25-15-201 et seq.

7 (iii) All moneys received by the state board in  
8 payment of fines shall be deposited in the State Treasury as general revenues;  
9 or

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

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

18 (12) Any final action of the state board under this section shall  
19 constitute an adjudication for purposes of judicial review under § 25-15-212.

20  
21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General  
22 Assembly that four of the terms will expire prior to the implementation of  
23 this act and as a result the State Board of Election Commissioners will lose a  
24 majority of its current membership, resulting in a loss of continuity and  
25 experience. Therefore, an emergency is declared to exist and this act being  
26 immediately necessary for the preservation of the public peace, health and  
27 safety shall become effective on the date of its approval by the Governor. If  
28 the bill is neither approved nor vetoed by the Governor, it shall become  
29 effective on the expiration of the period of time during which the Governor  
30 may veto the bill. If the bill is vetoed by the Governor and the veto is  
31 overridden, it shall become effective on the date the last house overrides the  
32 veto.

33  
34 /s/ Childers