

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/27/09

# A Bill

HOUSE BILL 2035

5 By: Representative Saunders  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING ETHICS  
10 REQUIREMENTS FOR A MEMBER OF A COUNTY BOARD OF  
11 ELECTION COMMISSIONERS; TO LIMIT PARTICIPATION IN  
12 CAMPAIGNS BY A MEMBER OF A COUNTY BOARD OF  
13 ELECTION COMMISSIONERS; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND ARKANSAS LAW CONCERNING ETHICS  
16 REQUIREMENTS FOR A MEMBER OF A COUNTY  
17 BOARD OF ELECTION COMMISSIONERS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 *SECTION 1. Arkansas Code § 7-4-109 is amended to read as follows:*

24 *7-4-109. Qualifications of state and county commissioners and other*  
25 *election officials.*

26 *(a)(1) The members of the State Board of Election Commissioners, the*  
27 *members of each county board of election commissioners, and election*  
28 *officials shall be qualified electors of this state, able to read and write*  
29 *the English language, and shall not have been found guilty or pleaded guilty*  
30 *or nolo contendere to the violation of any election law of this state.*

31 *(2) No election official, as defined in § 7-1-101, shall be a*  
32 *candidate for any office to be filled at any election while serving as an*  
33 *election official.*

34 *(3) A member of the county board of election commissioners shall*  
35 *not be disqualified from serving as a member of the county board by the*  
36 *appearance on the ballot as a candidate for a position in his or her*



1 political party.

2 (b) Furthermore, all members of each county board shall be residents  
3 of the county in which they serve at the time of their appointment or  
4 election. All election officials shall be residents of the precincts in which  
5 they serve at the time of their appointment. However, if at the time of  
6 posting election officials, the county board by unanimous vote shall find  
7 that it is impossible to obtain qualified election officials from any  
8 precinct or precincts and shall make certification of that finding to the  
9 county clerk, then other qualified citizens of the county may be designated  
10 to serve in the precinct or precincts.

11 (c)(1) No person who is a paid employee of any political party or of  
12 any person running for any office on that county's ballot shall be eligible  
13 to be a member of a county board or an election official.

14 ~~(2)(A) No person serving on the county board shall participate~~  
15 ~~in any person's campaign listed on that county's ballot.~~

16 ~~(B) The making of a financial contribution to a candidate~~  
17 ~~shall not be considered participating in a candidate's campaign.~~

18 ~~(3)(2)~~ (2) No person employed with a company that has any business  
19 dealings, contracts, or pending contracts before a county board to which he  
20 or she would seek appointment shall be eligible to be a candidate for the  
21 county board.

22 (d) No person may serve as an election official if married to or  
23 related within the second degree of consanguinity to any candidate running  
24 for office in the current election if objection to his or her service is made  
25 to the county board within ten (10) calendar days after posting the list of  
26 officials.

27 (e)(1) Prior to the regularly scheduled preferential primary election,  
28 each member of the county board of election commissioners for each county and  
29 at least two (2) election officials per polling site designated by the county  
30 board for each county shall attend election training coordinated by the state  
31 board.

32 (2) The state board shall determine the method and amount of  
33 compensation for attending the training.

34 (f)(1)(A) Except as provided in subdivision (f)(1)(B) of this section,  
35 a person serving on a county board or a member of the staff of a county board  
36 shall not actively assist the campaign of any person listed on that county's

1 ballot.

2 (B) Subdivision (f)(1)(A) of this section does not apply  
3 to:

4 (i) A person serving in an official position for a  
5 person listed on that county's ballot; or

6 (ii) A person actively assisting the campaign of a  
7 person listed on the county's ballot as a candidate for:

8 (a) President of the United States;

9 (b) United States Senate;

10 (c) United State House of Representatives; or

11 (d) A constitutional officer of this state.

12 (2)(A) "Actively assist" includes:

13 (i) Raising campaign funds for a person listed on  
14 that county's ballot;

15 (ii) Organizing campaign events for a person listed  
16 on that county's ballot; or

17 (iii) Being employed by or volunteering for a  
18 person's campaign by donating labor or in-kind services.

19 (B) "Actively assist" does not include:

20 (i) The making of a financial contribution to a  
21 person listed on that county's ballot;

22 (ii) Attending a campaign event for a person listed  
23 on that county's ballot or a political party event;

24 (iii) Organizing a political party event; or

25 (iv) Introducing a candidate at a public event.

26 (3)(A) The state board shall investigate a violation of this  
27 subsection (f) upon the receipt of at least five (5) affidavits alleging a  
28 violation executed by persons residing in the county where a person appeared  
29 on the ballot.

30 (B)(i) If investigation by the state board confirms a  
31 violation of this subsection (f), the state board shall remove the member or  
32 staff member of the county board.

33 (ii) The state board shall promulgate rules  
34 concerning the process for removal of a member or staff member of the county  
35 board.

36 (iii) Removal of a member or staff member of the

1 county board shall comply with the Arkansas Administrative Procedure Act, §  
2 25-15-201 et seq.

3 (C) If a member of a county board is removed under this  
4 section, the vacancy shall be filled under §§ 7-4-103 and 7-4-104.

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/s/ Saunders