

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/18/11 H3/22/11

# A Bill

HOUSE BILL 2154

5 By: Representatives Johnston, *Ingram*, *Slinkard*  
6

## For An Act To Be Entitled

8 AN ACT TO REVISE ARKANSAS LAW CONCERNING MEMBERS OF  
9 THE COUNTY BOARD OF ELECTION COMMISSIONERS; AND FOR  
10 OTHER PURPOSES.  
11

## Subtitle

12  
13  
14 TO REVISE ARKANSAS LAW CONCERNING MEMBERS  
15 OF THE COUNTY BOARD OF ELECTION  
16 COMMISSIONERS.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 7-4-102 is amended to read as follows:

22 7-4-102. County boards of election commissioners -- Election of members  
23 -- Oath.

24 ~~(a)(1) The county chair of the county committee of the majority party~~  
25 ~~and the county chair of the county committee of the minority party shall be~~  
26 ~~members of the county board of election commissioners together with one (1)~~  
27 ~~additional or third member selected by the county committee of the majority~~  
28 ~~party at the same time as the election of party officers.~~

29 ~~(2) Provided, however, if the county chair of a county committee~~  
30 ~~of the majority party or the minority party is an elected official or is~~  
31 ~~otherwise ineligible to serve as a member of the county board of election~~  
32 ~~commissioners, he or she shall not serve as a member of the county board, but~~  
33 ~~the county committee shall select a resident of the county qualified to serve~~  
34 ~~in his or her stead.~~

35 ~~(3) Any county chair of a county committee of the majority party~~  
36 ~~or the minority party may elect not to serve as a member of the county board,~~



1 ~~and the county committee shall select a resident of the county qualified to~~  
2 ~~serve in his or her stead.~~

3 (a)(1) In January of each odd-numbered year following the election of  
4 county committee officers, members of the county board of election  
5 commissioners shall be elected by their respective county committees.

6 (2) The membership of the county board shall be as follows;

7 (A) Two (2) members elected by the county committee of the  
8 majority party; and

9 (B) One (1) member elected by the county committee of the  
10 minority party.

11 (b)(1) Within ten (10) days of the date of selection to the county  
12 board ~~of election commissions~~, the chair or secretary of each county  
13 committee shall notify the county clerk in writing of the names and addresses  
14 of those selected to serve on the county board.

15 (2) Upon receipt of the notice, the county clerk shall send to  
16 each of the county election commissioners, by registered mail, notice to  
17 appear before the clerk within thirty (30) days of selection as a county  
18 election commissioner to take and subscribe to the oath prescribed by the  
19 Arkansas Constitution.

20 (3) The oath shall be filed in the office of the county clerk  
21 and a duplicate forwarded to the Secretary of State.

22 (c) ~~Between January 1 and January 31 of each year~~ As soon as  
23 practicable, following the election of members to the county board, the chair  
24 of the majority party of the county shall file with the county clerk and the  
25 Secretary of State a notice setting forth the names of the majority party's  
26 designated members of the county board and the chair of the minority party  
27 shall file with the county clerk and the Secretary of State a notice setting  
28 forth the name of the minority party's member of the county board.

29 (d) The county board is deemed to consist of county officials, and its  
30 members shall be immune from tort liability pursuant to § 21-9-301.

31 ~~(e)(1) Members of the county board shall serve for a term of three (3)~~  
32 ~~years.~~

33 ~~(2) As of July 31, 2007, members of the county board shall draw~~  
34 ~~lots for terms so that one (1) member shall serve for a term of one (1) year,~~  
35 ~~one (1) member shall serve for a term of two (2) years, and one (1) member~~  
36 ~~shall serve for a term of three (3) years.~~

1           ~~(3) Thereafter, all appointments shall be for terms of three (3)~~  
2 ~~years, staggered so that one (1) term expires on January 15 of each year.~~

3           (e) A member of the county board shall serve at the pleasure of his or  
4 her respective county committee, and a county committee may remove a member  
5 of the county board representing the county committee by majority vote of the  
6 county committee.

7           (f)(1) A vacancy on the county board shall be filled by the election  
8 of a new member by the county committee of the appropriate party.

9           (2)(A) The county committee shall elect a new member within  
10 forty-five (45) days of a vacancy.

11           (B) If the county committee fails to elect a new member  
12 within forty-five (45) days of a vacancy, the state chair of the appropriate  
13 party shall appoint a new member to the county board.

14  
15           SECTION 2. Arkansas Code § 7-4-103 is amended to read as follows:

16           7-4-103. Vacancies on state ~~and county boards~~ state board.

17           (a) In the event of a vacancy or disqualification on the part of any  
18 state or county chair for either the majority or minority parties, the state  
19 vice chair or county vice chair of the party in which the vacancy occurs  
20 shall act as county chair or state chair as the case may be for all of the  
21 purposes set out in §§ 7-4-101, ~~7-4-102~~, and this section until a new county  
22 chair or state chair is selected by the parties.

23           (b) In the event that no county chair or county vice chair has been  
24 elected in any of the several counties of Arkansas for either the majority  
25 party or minority party by the fiftieth calendar day before any general  
26 election, then and in that event, the State Board of Election Commissioners  
27 shall have authority to elect by majority vote qualified persons from the  
28 county committee of the majority or minority party so affected to fill the  
29 vacancies whether or not the vacancies are caused by failure to elect or by  
30 death, resignation, or disqualification. ~~However, all appointments to fill~~  
31 ~~the vacancies of the county boards of election commissioners shall be~~  
32 ~~terminated immediately upon the election of a county chair or county vice~~  
33 ~~chair qualified to serve upon the county board of election commissioners as~~  
34 ~~provided in this section.~~

35           ~~(c) In the event of a vacancy or disqualification of any third member~~  
36 ~~of a county board who was duly elected by the state board, the chair of the~~

1 ~~county committee of the majority party shall immediately notify the Chair of~~  
2 ~~the State Board of Election Commissioners of the vacancy or disqualification.~~  
3 ~~Upon receipt of the notification, the chair shall call a meeting of the state~~  
4 ~~board, which shall fill the vacancy from the list of remaining nominees~~  
5 ~~originally submitted by the county committee at any time prior to a general~~  
6 ~~election, except that when the county committee did not submit the list of~~  
7 ~~nominees at least sixty (60) calendar days before a general election, the~~  
8 ~~state board shall nominate and elect by majority vote any resident of the~~  
9 ~~county as the third member at any time prior to a general election.~~

10  
11 SECTION 3. NOT TO BE CODIFIED. A member of a county board of election  
12 commissioners serving as of the effective date of this act shall continue to  
13 serve on the county board until his or her successor is selected by his or  
14 her respective county committee.

15  
16 /s/Johnston  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36