

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

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/12/13
A Bill

HOUSE BILL 1553

By: Representatives Love, *Ferguson*

By: *Senator K. Ingram*

For An Act To Be Entitled

AN ACT TO CREATE A PROCEDURE FOR CRIMINAL BACKGROUND CHECKS FOR CANDIDATES; TO REQUIRE THAT A CANDIDATE HAVING CRIMINAL HISTORY BE GIVEN NOTICE PRIOR TO THE ELECTION THAT HE OR SHE IS NOT QUALIFIED TO HOLD OFFICE; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A PROCEDURE FOR CRIMINAL BACKGROUND CHECKS FOR CANDIDATES; AND TO REQUIRE THAT A CANDIDATE HAVING CRIMINAL HISTORY BE GIVEN NOTICE PRIOR TO THE ELECTION THAT HE OR SHE IS NOT QUALIFIED TO HOLD OFFICE.

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

SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 2, is amended to add a new section to read as follows:

7-5-213. Criminal background checks for candidates.

(a) Under the Arkansas Constitution, Article 5, § 9, a candidate is not qualified to hold public office if he or she has been convicted of embezzlement of public money, bribery, forgery, or other infamous crime.

(b)(1)(A) A candidate shall file a criminal background check waiver at the same time and place the candidate files his or her political practices pledge under §§ 6-14-111, 7-5-205, 7-6-102, 7-7-103, 7-7-203, 7-10-103, and



14-42-206.

(B) The candidate shall pay the fees associated with the criminal background check.

(2) The waiver shall be on a form prescribed by the State Board of Election Commissioners and shall include:

(A) The candidate's:

(i) Name;

(ii) Date of birth;

(iii) Gender;

(iv) Race; and

(v) Social security number;

(B) A statement indicating that the information the candidate has provided is true; and

(C) A space for the candidate's printed name, signature, and the date of signing.

(3) The waiver shall be filed under seal and shall be exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(c)(1) Immediately after receipt and filing of the criminal background check waiver and fee, the Secretary of State or county clerk shall submit a copy of the waiver and a request for the criminal background check to the Department of Arkansas State Police.

(2) If the waiver was filed with the county clerk, the county clerk immediately shall provide a copy of the waiver to the Secretary of State and notify the Secretary of State of the date and time the waiver was submitted to the Department of Arkansas State Police.

(d)(1) The Department of Arkansas State Police shall complete the criminal background check and notify the Secretary of State of the results no later than seven (7) days after the receipt of the waiver.

(2) The notification shall be in writing and shall include:

(A) The candidate's personal identifying information; and

(B) A copy of the candidate's criminal background check information.

(e)(1) If the candidate's criminal background check waiver is returned to the Secretary of State indicating that the candidate has been convicted of an offense under subsection (a) of this section, before certification of the

candidate's name to the ballot, the Secretary of State shall:

(A) Notify the candidate in writing:

(i) Of the conviction; and

(ii) That the candidate is potentially unqualified to hold public office;

(B) Provide copies of the written document under subdivision (e)(1)(A) of this section to the Attorney General and the prosecuting attorney for the county in which the candidate filed for office; and

(C) Allow the candidate to withdraw from candidacy if he or she chooses.

(2)(A) If the candidate who has been convicted of an offense under subsection (a) of this section is elected to office, upon removal from office the court shall order a penalty of not less than one thousand dollars (\$1,000) and not more than twenty five thousand dollars (\$25,000).

/s/Love