

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

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 722

By: Senator B. King

For An Act To Be Entitled

AN ACT TO TRANSFER THE STATE BOARD OF ELECTION COMMISSIONERS TO THE OFFICE OF THE SECRETARY OF STATE; TO AMEND THE LAW CONCERNING CERTAIN DUTIES IN ELECTIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER THE STATE BOARD OF ELECTION COMMISSIONERS TO THE OFFICE OF THE SECRETARY OF STATE; TO AMEND THE LAW CONCERNING CERTAIN DUTIES IN ELECTIONS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 7-4-101(f) through (h), concerning certain powers and functions of the State Board of Election Commissioners, is amended to read as follows:

(f) The ~~board shall have the authority to~~ Secretary of State may:

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

(2) Conduct statewide training for election officers and county election commissioners;



(3) Adopt all necessary rules regarding training referred to in subdivision (f)(2) of this section and develop procedures for monitoring attendance;

(4) Monitor all election law-related legislation;

(5) Formulate, adopt, and promulgate all necessary rules to assure even and consistent application of voter registration laws and fair and orderly election procedures;

(6)(A) Appoint certified election monitors to any county upon a signed, written request under oath filed with the board and a determination by the board that appointing a monitor is necessary.

(B) Certified election monitors shall serve as observers for the purpose of reporting to the board on the conduct of the election.

(C) The board may allow for reasonable compensation for election monitors;

(7) Assist the county board of election commissioners in the performance of administrative duties of the election process if the board determines that assistance is necessary and appropriate;

(8)(A) Formulate, adopt, and promulgate all necessary rules to establish uniform and nondiscriminatory administrative complaint procedures consistent with the requirements of Title IV of the federal Help America Vote Act.

(B) The cost of compliance with Title IV of the federal Help America Vote Act shall be paid from the fund established to comply with the federal Help America Vote Act;

(9) Investigate alleged violations, render findings, and impose disciplinary action according to § 7-4-118 for violations of election and voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), and except for any matters relating to campaign finance and disclosure laws which the Arkansas Ethics Commission shall have the power and authority to enforce according to §§ 7-6-217 and 7-6-218;

(10) Examine and approve in accordance with §§ 7-5-503 and 7-5-606 the types of voting machines and electronic vote tabulating devices used in any election; and

(11) Administer reimbursement of election expenses to counties in accordance with § 7-7-201(a) for primary elections, statewide special elections, and nonpartisan judicial general elections.

(g) ~~The Attorney General~~ An attorney designated by the Secretary of State shall provide legal assistance to the board in answering questions regarding election laws.

~~(h)(1) The board may appoint a Director of the State Board of Election Commissioners, who may hire a staff.~~

~~(2) The director shall serve at the pleasure of the board.~~

~~(3) The board shall set the personnel policies in accordance with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq., and the Uniform Classification and Compensation Act, § 21-5-201 et seq.~~

SECTION 2. Arkansas Code § 7-4-118(e)(3), concerning moneys received by the State Board of Election Commissioners in payment of fines, is amended to read as follows:

(3) All moneys received by the board in payment of fines shall be deposited into the ~~State Treasury as general revenues~~ County Voting System Grant Fund, under § 19-5-1247.

SECTION 3. Arkansas Code § 7-4-118(g)(2), concerning records of inquiries, investigations, and proceedings of the State Board of Election Commissioners, is amended to read as follows:

(2) Records relating to investigations by the board are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq., until a hearing is set or the investigation by the ~~Director~~ chair of the State Board of Election Commissioners is closed.

SECTION 4. Arkansas Code Title 7, Chapter 4, Subchapter 1, is amended to add an additional section to read as follows:

7-4-120. State Board of Election Commissioners – Transfer.

(a) The State Board of Election Commissioners is transferred to the Office of the Secretary of State by a type 1 transfer, under § 25-2-104, under which the departments, institutions, other agencies, or parts thereof, shall be administered under the direction and supervision of that principal department, but shall retain the same prescribed statutory powers, authorities, duties, and functions as the board had before the transfer, including:

(1) Rulemaking, regulation, licensing, and registration;

(2) The promulgation of rules, rates, regulations, and standards; and

(3) The rendering of findings, orders, and adjudications.

(b) The State Board of Election Commissioners shall exercise those powers, authorities, duties, and functions independently of the head of the principal department.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the State Board of Election Commissioners is a substantial component of the election process, that effective elections are essential to the preservation of citizens' right to vote, and that it is necessary to complete the transfer of the State Board of Election Commissioners before the 2013 annual school election. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on and after July 1, 2013.