

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 141

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO AMEND THE EMERGENCY POWERS OF THE GOVERNOR;
TO AMEND THE LAW CONCERNING ELECTIONS; TO ALLOW THE
SECRETARY OF STATE TO ISSUE EMERGENCY RULES FOR
ELECTION PROCEDURE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE EMERGENCY POWERS OF THE
GOVERNOR; TO AMEND THE LAW CONCERNING
ELECTIONS; AND TO ALLOW THE SECRETARY OF
STATE TO ISSUE EMERGENCY RULES FOR
ELECTION PROCEDURE.

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

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

7-5-112. Emergency election procedure rules.

(a) During an emergency subject to an emergency disaster declaration under § 12-75-114 the Secretary of State may:

(1) Determine if an election will be impacted by the emergency;

and

(2) Determine if a modification of the statutory election procedure is required to carry out the election.

(b) If a modification of the statutory election procedure is required, the Secretary of State shall:

(A) Identify the election procedure impacted by the emergency; and



(B) Prepare an emergency rule addressing the election procedure to be modified.

(c)(1) If the Secretary of State finds that imminent peril to the public health, safety, or welfare or compliance with an election process or procedure requires adoption of an emergency rule upon less than thirty (30) days' notice and states in writing the Secretary of State's reasons for that finding, the Secretary of State may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it may choose, to adopt an emergency rule.

(2) The Secretary of State shall not file an emergency rule for adoption until the emergency rule has been approved under § 10-3-309.

(3) The emergency rule may be effective for no longer than one hundred twenty (120) days.

(4) If, after the expiration of the effective period of an emergency rule, the Secretary of State wishes to adopt a successive emergency rule that is identical or substantially similar to the expired emergency rule, the Secretary of State shall not adopt the successive emergency rule earlier than thirty (30) days after the expiration of the original emergency rule.

SECTION 2. Arkansas Code § 12-75-114(e)(1), concerning the disaster emergency responsibilities of the Governor, is amended to read as follows:

(1)(A) Suspend the provisions of any regulatory statutes prescribing the procedures for conduct of state business, or the orders or rules of any state agency, if strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(B) Subdivision (e)(1)(A) of this section does not apply to any statute, order, or rule related to or governing the conduct or process of an election;