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501 Woodlane, Suite 401N
Little Rock, Arkansas 72201
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June 15, 2010

The Hon. Virginia "Ginna" Watson
41 La Granta Circle
Hot Springs Village, AR 71909

Ms. Watson,

Thank you for contacting us regarding the recent actions taken by the Garland County Democratic Central Committee Executive Council. Below, I have prepared a brief explanation of the current laws regarding the appointment and terms of members of the county boards of election commissioners.

Arkansas Code Annotated §7-4-102(e) described the process for setting terms of county election commissioners. On July 31, 2007, each county board was to have drawn lots to establish the terms for the three existing commissioners, one of which would end on January 15 of 2009, 2010, and 2011. Two of these three terms would now be expired.

According to A.C.A. §7-4-105(a), if a commissioner's term has expired, that commissioner may serve until a successor is appointed and qualified. If the expired term is one of those designated for the chair of the county's majority or minority committee, the respective chair may assume the position if eligible and able to serve. If the chair of the respective party is ineligible or unable to serve on the county's election commission, the appropriate county committee selects an eligible and qualified person to serve in his or her place. Likewise, for the third member, following the expiration of the commissioner's term, the county's majority party committee selects a replacement. For a thorough explanation of this process, you may refer to A.C.A. §7-1-102(a).

There does not appear to exist in Arkansas law a process by which a county election commissioner may be removed before the expiration of his or her term of office as long as that person remains qualified to serve.

I hope you find this information helpful. Please contact me if you have any further questions.

Best regards,

Maggie Smith
Legal Counsel