



STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

April 23, 2013

Dear Mr. President and Members of the Senate:

In accordance with Article 6, Section 15 of our Constitution, I write to inform you that today I have vetoed Senate Bill 719, Senate Bill 720, and Senate Bill 721.

Senate Bill 719 would take from the State Board of Election Commissioners the authority to investigate complaints of election irregularities or alleged violations of election law and shift that authority to a four-member "voter integrity" unit. This unit "shall investigate any complaint of election irregularity or violation of election law" that has been filed with the State Board of Election Commissioners. It would consist of four employees of the Office of the Secretary of State, a partisan-elected office, and would have broad powers to issue subpoenas, compel testimony and production of records, and administer oaths and take sworn testimony. The unit's "report" on its investigation would then be sent to the State Board of Election Commissioners for further action. Senate Bill 719 thus transfers virtually unfettered investigative power and authority to a partisan-elected official over complaints against persons accused, sometimes by political rivals, of violating election laws. However, while the bill makes it clear that the unit "shall" investigate "any" such complaint, the bill makes no provision for those cases in which a complaint might relate to the activities of the Secretary of State or his/her office, or persons running for that office. Placing such unfettered authority in a partisan-elected office is a profoundly bad idea.

Senate Bill 720 authorizes the State Board of Election Commissioners to remove a county commissioner if he or she is "not qualified under law" to be a county board member or if the county board member "fails to perform his or her duty under law." It does so by setting up a mandatory, cumbersome and confusing procedure for processing complaints submitted by any person to the State Board. For example, the bill provides that if the State Board determines that a complaint "clearly lacks any basis in law or fact," the State Board must nonetheless refer the complaint and the Board's findings to the Arkansas Ethics Commission. Why this step is necessary or desirable for complaints lacking any basis in law or fact is unclear.

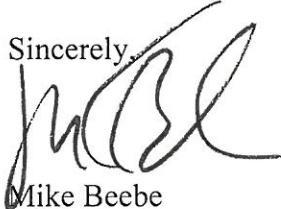
In other respects, it is simply not possible to comply with Senate Bill 720's

procedures. For example, with regard to complaints received by the State Board, the bill requires that “[i]f the General Assembly is in session, the State Board of Election Commissioners shall, within ten (10) days after the filing of the complaint . . . file a copy of the complaint with the Legislative Council.” It is impossible to comply with this provision, because the Legislative Council meets only when the General Assembly is not in session. See Ark. Code Ann. § 10-3-302(a). This new, cumbersome, and unworkable scheme seems unwarranted, especially when a procedure already exists for the removal of members of county boards by the county committees that elected them under Ark. Code Ann. § 7-4-102(e).

Senate Bill 721 would, effective July 1, 2013, terminate the current tenure of all members of the State Board of Election Commissioners and replace them with a new, nine-member Board. The bill increases the number of members selected by the political parties and alters the terms of some members. The immediate effect of the bill is to make the membership of the State Board of Election Commissioners more, not less, partisan. There is no evident need for a larger State Board of Election Commissioners, and blatant attempts to skew the political balance of a board charged with overseeing partisan elections will only harm, not promote, the public’s confidence in the integrity of our State’s election processes.

I have received numerous communications from counties, election officials, and election commissioners of all political persuasions urging me to veto these three bills. They see them, individually and collectively, as unwarranted attempts to undo a carefully crafted system of checks and balances and divisions of responsibility between the State Board of Election Commissioners, the Secretary of State’s Office, and local election commissioners. Their objections to these bills are well-taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Beebe", written over the word "Sincerely,".

Mike Beebe

MB:jb