

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Senator B. King

A Bill

SENATE BILL 720

For An Act To Be Entitled

8 AN ACT TO PROMOTE HONESTY AND INTEGRITY IN COUNTY
9 BOARDS OF ELECTION COMMISSIONERS; TO CREATE A
10 PROCEDURE FOR THE REMOVAL OF A MEMBER OF A COUNTY
11 BOARD OF ELECTION COMMISSIONERS; TO ALLOW ANY PERSON
12 TO REPORT THE MISCONDUCT OF A MEMBER OF A COUNTY
13 BOARD OF ELECTION COMMISSIONERS; AND FOR OTHER
14 PURPOSES.

Subtitle

18 TO PROMOTE HONESTY AND INTEGRITY IN
19 COUNTY BOARDS OF ELECTION COMMISSIONERS;
20 TO CREATE A PROCEDURE FOR THE REMOVAL OF
21 A MEMBER OF A COUNTY BOARD OF ELECTION
22 COMMISSIONERS UPON PUBLIC COMPLAINT.

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

27 SECTION 1. Arkansas Code § 7-4-101(f), concerning the authority of the
28 State Board of Election Commissioners, is amended to add two (2) additional
29 subdivisions to read as follows:

30 (12) Investigate complaints filed against a member of a county
31 board of election commissioners under § 7-4-120; and

32 (13) Remove members of a county board of election commissioners
33 under § 7-4-120.

35 SECTION 2. Arkansas Code § 7-4-102(e), concerning the term and removal
36 of a member of the county board of election commissioners, is amended to read



1 as follows:

2 (e)(1) A member of ~~the~~ a county board shall serve at the pleasure of
3 his or her respective county committee, and a county committee may remove a
4 member of ~~the~~ a county board representing the county committee by majority
5 vote of the county committee.

6 (2) The State Board of Election Commissioners may remove a
7 member of a county board under § 7-4-120.

8

9 SECTION 3. Arkansas Code Title 7, Chapter 4, Subchapter 1, is amended
10 to add an additional section to read as follows:

11 7-4-120. County board of election commissioners – Complaints, removal,
12 and review of decision.

13 (a)(1) A person may file a complaint against a member of a county
14 board of election commissioners with the State Board of Election
15 Commissioners if the person knows the member:

16 (A) Is not qualified under law to be a member of a county
17 board of election commissioners; or

18 (B) Fails to perform his or her duties under law.

19 (2) The complaint shall:

20 (A) Be in writing;

21 (B) State the name of the member of the county board;

22 (C) State the county in which the subject of the complaint
23 serves;

24 (D) State the alleged disqualifying circumstance or
25 failure;

26 (E) If the disqualifying circumstance or failure occurred
27 at a specific location and date, state the location and date;

28 (F) State with specificity the supporting facts
29 surrounding the allegations;

30 (G) Include the date of the complaint and the
31 complainant’s printed name and contact information; and

32 (H) Be signed by the complainant under penalty of perjury.

33 (3) A person shall not file a complaint under this section that
34 has no basis in fact or law.

35 (4)(A) If the General Assembly is not in session, within ten
36 (10) days after the filing of a complaint under subdivision (a)(1) of this

1 section, the State Board of Election Commissioners shall file copies of the
 2 complaint with the Senate Committee on State Agencies and Governmental
 3 Affairs and the House Committee on State Agencies and Governmental Affairs.

4 (B) If the General Assembly is in session, the State Board
 5 of Election Commissioners, within ten (10) days after the filing of a
 6 complaint under subdivision (a)(1) of this section, shall file a copy of the
 7 complaint with the Legislative Council.

8 (b)(1) The State Board of Election Commissioners promptly shall:

9 (A) Investigate a complaint filed under this section; and

10 (B) Determine whether a hearing for removal of the member
 11 of the county board of election commissioners is appropriate.

12 (2) If the State Board of Election Commissioners determines that
 13 the complaint clearly lacks any basis in law or fact, the State Board of
 14 Election Commissioners shall submit a copy of the complaint and the substance
 15 of the findings of the State Board of Election Commissioners to the Arkansas
 16 Ethics Commission for investigation.

17 (3)(A) If the State Board of Election Commissioners determines
 18 that the member of the county board of election commissioners is not
 19 qualified or has failed to perform his or her duties, the State Board of
 20 Election Commissioners may remove the member of the county board of election
 21 commissioners from his or her office under subdivision (b)(3)(B) of this
 22 section.

23 (B) The State Board of Election Commissioners shall:

24 (i) Set a date for hearing;

25 (ii) No later than thirty (30) days before the
 26 hearing date, provide written notice of the hearing to the member of the
 27 county board of election commissioners, including without limitation:

28 (a) The date, time, and location of the
 29 hearing;

30 (b) The purpose of the hearing;

31 (c) A copy of the complaint and other
 32 documents used in the investigation; and

33 (d) Other information used in the
 34 investigation; and

35 (C) After the hearing, determine whether removal of the
 36 member is appropriate and, if so, remove the member.