

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 720

By: Senator B. King

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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



as follows:

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

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

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

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

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

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

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

(2) The complaint shall:

(A) Be in writing;

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

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

(D) State the alleged disqualifying circumstance or failure;

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The State Board of Election Commissioners shall:

(i) Set a date for hearing;

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

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

(b) The purpose of the hearing;

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

(d) Other information used in the investigation; and

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