

1 INTERIM STUDY PROPOSAL 2015-116

2 State of Arkansas  
3 90th General Assembly  
4 Regular Session, 2015

*As Engrossed: H3/30/15*

**A Bill**

SENATE BILL 887

5  
6 By: Senator B. King

7 Filed with: Senate Committee on State Agencies and Governmental Affairs  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

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

17  
18  
19 **Subtitle**

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

25  
26  
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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

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

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

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

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

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

13 7-4-120. County board of election commissioners – Complaints, removal,  
14 and review of decision.

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

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

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

21 (2) The complaint shall:

22 (A) Be in writing;

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

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

26 (D) State the alleged disqualifying circumstance or  
27 failure;

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

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

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

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

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

1           (4)(A) If the General Assembly is not in session, within ten  
2 (10) days after the filing of a complaint under subdivision (a)(1) of this  
3 section, the State Board of Election Commissioners shall file copies of the  
4 complaint with the Senate Committee on State Agencies and Governmental  
5 Affairs and the House Committee on State Agencies and Governmental Affairs.

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

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

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

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

14          (2)(A) If the State Board of Election Commissioners determines  
15 that the member of the county board of election commissioners is not  
16 qualified or has failed to perform his or her duties, the State Board of  
17 Election Commissioners may remove the member of the county board of election  
18 commissioners from his or her office under subdivision (b)(2)(B) of this  
19 section.

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

21           (i) Set a date for hearing;

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

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

27                   (b) The purpose of the hearing;

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

30                   (d) Other information used in the  
31 investigation; and

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

34  
35                                   */s/B. King*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

Referred by the Arkansas Senate

Prepared by: VJF