

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

# A Bill

SENATE BILL 887

5 By: Senator B. King  
6

## 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.  
15

## Subtitle

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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.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 7-4-101(f), concerning the authority of the  
28 State Board of Election Commissioners, is amended to add 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.  
34

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.