

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1464

By: Representatives Burkes, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux, Brooks, K. Brown, M. Brown, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks, Miller, Milligan, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh, Underwood, Vaught, Womack, Wooten

By: Senators K. Hammer, Dees, M. McKee, J. Petty, Stone

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING COMPLAINTS OF
ELECTION LAW VIOLATIONS; TO AMEND THE LAW CONCERNING
THE STATE BOARD OF ELECTION COMMISSIONERS; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING COMPLAINTS OF
ELECTION LAW VIOLATIONS; AND TO AMEND THE
LAW CONCERNING THE STATE BOARD OF
ELECTION COMMISSIONERS.

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

SECTION 1. Arkansas Code § 7-4-120(b)(1), concerning complaints of election law violations and definitions, is amended to read as follows:

(b)(1)(A) A complaint shall be filed with the State Board of Election Commissioners in writing no earlier than the date established by law for the delivery or mailing of absentee ballots to a voter and no later than thirty (30) days following the ~~certification of~~ deadline to certify an election by a county board of election commissioners of the following:

(A)(i) An alleged violation of the laws regarding



elections including without limitation:

- ~~(i)~~(a) Voter registration;
- ~~(ii)~~(b) Requests for absentee ballots;
- ~~(iii)~~(c) Delivery of absentee ballots;
- ~~(iv)~~(d) Casting of ballots;
- ~~(v)~~(e) Ballot tabulation;
- ~~(vi)~~(f) Certification of election results;
- ~~(vii)~~(g) Administration of an election;
- ~~(viii)~~(h) Election processes; or
- ~~(ix)~~(i) Conduct of an election; or

~~(B)~~(ii) The election or elections affected or associated with the complaint.

~~(C)~~(B) A complaint may be referred to the State Board of Election Commissioners by the Joint Performance Review Committee and is not subject to the thirty (30) day filing requirement under subdivision (b)(1) of this section.

SECTION 2. Arkansas Code § 7-4-120(c)(4)(A), concerning complaints of election law violations and definitions, is amended to read as follows:

(4)(A) If a complaint alleges a violation of election law or voter registration law but does not otherwise meet the requirements of this section, the complainant shall be notified that the complaint may be corrected by amendment in writing within ten (10) days and that a failure to make the necessary corrections shall result in the complaint's being dismissed.

SECTION 3. Arkansas Code § 7-4-120(i)(4), concerning complaints of election law violations and definitions, is amended to read as follows:

(4) If the State Board of Election Commissioners ~~holds a hearing~~ makes its offer of settlement and the offer is rejected under this section, the State Board of Election Commissioners ~~shall conclude all actions may~~ conduct a hearing and shall take final action under this section within two hundred forty (240) days.

SECTION 4. Arkansas Code § 7-5-702(c), concerning the preservation of ballots, stubs, certificates, and other election materials, is amended to add

an additional subdivision to read as follows:

(3) Upon receipt of a subpoena issued by the State Board of Election Commissioners under § 7-4-120.

APPROVED: 3/16/23