

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/15/17 H3/23/17

A Bill

HOUSE BILL 2137

By: Representatives V. Flowers, C. Douglas, Drown, K. Ferguson, Gonzales, Sabin

For An Act To Be Entitled

AN ACT TO CREATE THE VOTER PROTECTION ACT OF 2017; TO
AMEND THE LAW CONCERNING ELECTIONS AND VOTING; AND
FOR OTHER PURPOSES.

Subtitle

TO CREATE THE VOTER PROTECTION ACT OF
2017; AND TO AMEND THE LAW CONCERNING
ELECTIONS AND VOTING.

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

SECTION 1. Arkansas Code § 7-1-103(a)(4), concerning miscellaneous misdemeanor offenses, is repealed.

~~*(4) It shall be unlawful for any person to assess any public employee, as defined in § 21-8-402, for any political purpose whatever or to coerce, by threats or otherwise, any public employee into making a subscription or contribution for any political purpose;*~~

SECTION 2. Arkansas Code § 7-1-104(a)(5) and (6), concerning miscellaneous felonies, are repealed.

~~*(5) It shall be unlawful for any person to make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;*~~

~~*(6) It shall be unlawful for any person to interfere with or to prevent any qualified elector from voting at any election or to attempt to interfere with or to prevent any qualified elector from voting at any election, provided that this subdivision (a)(6) shall not prohibit good faith*~~



~~challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;~~

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

7-1-115. Voter intimidation offenses.

(a) It shall be unlawful for any person to recklessly:

(1) Make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;

(2) Interfere with or to prevent any qualified elector from voting at any election or to attempt to interfere with or to prevent any qualified elector from voting at any election, provided that this subdivision (a)(2) shall not prohibit good faith challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;

(3) Assess any public employee, as defined in § 21-8-402, for any political purpose whatsoever or to coerce, by threats or otherwise, any public employee into making a subscription or contribution for any political purpose; or

(4) Interfere, prevent, or obstruct the assistance provided to a voter who requires assistance to vote by reason of blindness, disability, or inability to read.

(b)(1) A person convicted of an offense described under this section shall be guilty of a Class D felony.

(2)(A) A person convicted of a felony under this section shall be barred from holding public office or employment in any of the departments of the state from the date of his or her conviction.

(B)(i) If the person is employed by any of the departments of this state at the time of his or her conviction, he or she shall be removed from employment immediately.

(ii) If any person is convicted under the provisions of this section while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.

(c) A county clerk or county board of election commissioners shall promptly notify the local prosecuting attorney and the State Board of

Election Commissioners of an offense described under this section.

(d) A person who is intimidated because of his or her race, ethnicity, or religion may pursue a private cause of action against the:

(1) Local election official who committed the voter intimidation offense; and

(2) Person who committed the voter intimidation offense.

/s/V. Flowers