

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/30/23

A Bill

SENATE BILL 272

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

By: Representatives McCollum, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, 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, 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

For An Act To Be Entitled

AN ACT TO CREATE AN ELECTION INTEGRITY REVIEW
PROCESS; TO AMEND THE DUTIES OF THE STATE BOARD OF
ELECTION COMMISSIONERS; TO AMEND THE LAW CONCERNING
ELECTION LAW VIOLATIONS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE AN ELECTION INTEGRITY REVIEW
PROCESS; TO AMEND THE DUTIES OF THE STATE
BOARD OF ELECTION COMMISSIONERS; AND TO
AMEND THE LAW CONCERNING ELECTION LAW
VIOLATIONS.

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

SECTION 1. Arkansas Code § 7-1-104(a), concerning felonies under election law, is amended to add an additional subdivision to read as follows:

(19) No person shall forge the signature of a voter on an absentee ballot application, absentee ballot voter statement, or voter registration application;

SECTION 2. Arkansas Code § 7-4-101(f), concerning the members,



officers, and meetings of the State Board of Election Commissioners, is amended to add an additional subdivision to read as follows:

(17) Conduct an election integrity review of election-related documents and records following each election cycle in the following odd-numbered year under § 7-4-123.

SECTION 3. Arkansas Code § 7-4-120(b)(1), concerning complaints of election law violations, is amended to add an additional subdivision to read as follows:

(D) The State Board of Election Commissioners may file a complaint within three (3) years following the alleged violation of an election law or voter registration law if the alleged violation:

(i) Relates to a felony criminal provision of election law;

(ii) Relates to a felony criminal provision of voter registration law; or

(iii) Affects the accuracy of a certified election result.

SECTION 4. Arkansas Code § 7-4-121(a)(1), concerning election audits by the State Board of Election Commissioners, is amended to read as follows:

7-4-121. Election audits.

(a)(1) The State Board of Election Commissioners shall audit the results of each preferential primary election and general election to ensure the integrity and accuracy of the voting process.

SECTION 5. Arkansas Code Title 7, Chapter 4, Subchapter 1, is amended to add an additional section to read as follows:

7-4-123. Election Integrity Review.

(a)(1) The State Board of Election Commissioners may conduct an election integrity review of election related documents and records following each election cycle in the odd-numbered years following an election.

(2) The counties to be selected to participate in the election integrity review shall be selected by:

(A) Random selection in a public meeting of the board; or

(B) Designation by a two-thirds (2/3) vote of the board if

information obtained through the complaint process or by a certified election monitor indicates that a substantial violation of election or voter registration laws may have occurred in that county.

(3)(A) The random selection of counties under subdivision (a)(2)(A) of this section shall be conducted in a public meeting.

(B) The board shall establish the number of counties to be reviewed based on the available resources of the board.

(C) If a county was reviewed under this section, that county will not be subject to a subsequent review under this section for a period of four (4) years.

(b)(1) When conducting the election integrity review, the board may:

(A) Obtain and review any election or voter registration record; and

(B) Conduct interviews with election officials, elected officials, or others.

(2) The board may engage in the proactive review of voter registration documents to the extent practical based on agency resources in order to identify:

(A) Errors in the voter registration records; and

(B) Fraudulent activity reflected in the voter registration records.

(3) The board may engage in the proactive review of absentee voting documents in order to identify violations of law including but not limited to the following:

(A) Fraudulent applications for an absentee ballot;

(B) Fraudulent completion of an absentee ballot voter statement;

(C) Fraudulent return of an absentee ballot;

(D) Unlawful influence of an absentee voter by a third party; and

(E) Failure to comply with the statutory requirement regarding the sending and receiving of absentee ballots.

(4) The board may engage in the proactive review of other documents related to the election to verify the accuracy and integrity of the certified election results.

(c)(1) The board shall adopt a report that describes the finding of

the review no later than December 31 of the year in which the review is conducted.

(2) The board shall deliver a copy of the report to the:

(A) Attorney General's office; and

(B) Joint Performance Review Committee.

(d) If the election integrity review indicates that a violation of election law has occurred that is not a felony criminal violation and that does not affect the accuracy of a certified election result, the board may:

(1) Compel an election official who is indicated as having violated an election or voter registration law to attend supplemental training to address the violation;

(2) Notify the person or entity who appointed the official of the information obtained by the board; or

(3) Issue a letter of instruction.

(e) If the election integrity review indicates that a violation of election law has occurred that is a felony criminal violation or that affects the accuracy of a certified election result, the board may:

(1) Initiate a complaint under § 7-4-120; or

(2) Refer the matter to the appropriate law enforcement authorities.

(f) If a county official refuses to provide records requested to conduct a review under this section, the board may consider the failure to provide documents as an indication that a criminal election law violation has occurred authorizing the filing of a complaint under § 7-4-120 more than thirty (30) days after the deadline to certify the election.

/s/J. Petty