

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 429

By: Senator A. Clark
By: Representatives Long, Bentley

For An Act To Be Entitled

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE HANDLING, READING, POSSESSION, OR VIEWING OF ELECTION-RELATED DATA; PROVIDING THAT ELECTION-RELATED DATA IS EXEMPT FROM THE FREEDOM OF INFORMATION ACT OF 1967 FOR A PERIOD OF TIME; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE HANDLING, READING, POSSESSION, OR VIEWING OF ELECTION-RELATED DATA AND PROVIDING THAT ELECTION-RELATED DATA IS EXEMPT FROM THE FREEDOM OF INFORMATION ACT OF 1967 FOR A PERIOD OF TIME.

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

SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended to read as follows:

7-5-113. Election-related data.

(a) As used in this section, "election-related data" means all data, whether paper or electronic, related to a voter, the voting process, and the casting, counting, and tabulation of ballots, including without limitation all physical and electronic information from any pollbook, electronic vote tabulating device, voting machine, or paper ballot.

(b) Beginning ten (10) days before an election, including without



limitation the preferential primary election, and ending with the certification of the results of the election:

(1) Election-related data shall not be handled, read, possessed, or viewed by any person who is not:

(1) The county clerk or a deputy county clerk;

(2) A member of the county board of election commissioners conducting the election or an employee of the county board of election commissioners conducting the election; or

(3) The Secretary of State or an employee of the Secretary of State's office; and

(2) Election-related data is exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(c) A person who negligently permits a person or entity to handle, read, possess, or view election-related data in violation of this section shall:

(1) Be guilty of a Class A misdemeanor;

(2) Be considered to have committed an infamous crime as defined under § 7-1-101; and

(3) Not be permitted to serve as an election official at subsequent elections.

(d) A person who purposely permits a person or entity to handle, read, possess, or view election-related data in violation of this section shall:

(1) Be guilty of a Class D felony;

(2) Be considered to have committed an infamous crime as defined under § 7-1-101; and

(3) Not be permitted to serve as an election official at subsequent elections.