

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/9/23 H3/30/23

A Bill

HOUSE BILL 1513

5 By: Representatives McCollum, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,
6 Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite,
7 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long,
8 Lundstrum, Lynch, McAlindon, McClure, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,
9 Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose,
10 Rye, Schulz, Steimel, Tosh, Underwood, Unger, Vaught, Womack, Wooldridge, Wooten
11 By: Senators J. Petty, K. Hammer, Dees, M. McKee, Stone
12

For An Act To Be Entitled

13
14 *AN ACT TO CREATE THE ELECTION INTEGRITY UNIT WITHIN*
15 *THE ATTORNEY GENERAL'S OFFICE; TO AMEND THE DUTIES OF*
16 *THE STATE BOARD OF ELECTION COMMISSIONERS; TO AMEND*
17 *THE LAW CONCERNING VIOLATIONS OF ELECTION LAW; AND*
18 *FOR OTHER PURPOSES.*
19
20

Subtitle

21
22 *TO CREATE THE ELECTION INTEGRITY UNIT*
23 *WITHIN THE ATTORNEY GENERAL'S OFFICE; TO*
24 *AMEND THE DUTIES OF THE STATE BOARD OF*
25 *ELECTION COMMISSIONERS; AND TO AMEND THE*
26 *LAW CONCERNING VIOLATIONS OF ELECTION*
27 *LAW.*
28
29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. Arkansas Code § 7-1-109 is amended to read as follows:

33 7-1-109. Enforcement of election laws.

34 (a) Following a written complaint concerning any election law
35 violation or irregularity to the county board of election commissioners, the
36 written complaint shall be sent by the county board of election commissioners



1 to the State Board of Election Commissioners and the Election Integrity Unit
2 for evaluation and investigation.

3 (b) A complaint submitted under subsection (a) of this section shall
4 be included by the unit in the Arkansas Election Integrity Database.

5
6 SECTION 2. Arkansas Code § 7-4-120(b)(7), concerning complaints of
7 election law violations, is amended to read as follows:

8 (7)(A) If a complaint is filed as required by this section, the
9 State Board of Election Commissioners shall investigate the alleged violation
10 and notify the Election Integrity Unit to enter the complaint into the
11 Arkansas Election Integrity Database.

12 (B) If at the conclusion of the investigation, the State
13 Board of Election Commissioners find that there is probable cause to believe
14 there has been a criminal violation of the voter registration laws or
15 election laws, the State Board of Election Commissioners may forward the
16 complaint to the prosecuting attorney for criminal prosecution.

17 (C) Immediately upon beginning an investigation under this
18 section, the State Board of Election Commissioners shall notify the person or
19 persons under investigation of the fact of the investigation and the nature
20 of the investigation.

21 ~~(C)(D)~~ If at the conclusion of the investigation, the
22 State Board of Election Commissioners finds that there is probable cause to
23 believe there has been a violation of the voter registration laws or election
24 laws, and the complaint has not been referred to the prosecuting attorney,
25 the State Board of Election Commissioners may set a public hearing.

26
27 SECTION 3. Arkansas Code Title 7, Chapter 4, is amended to add an
28 additional subchapter to read as follows:

29 Subchapter 3 – Election Integrity Unit

30
31 7-4-301. Title.

32 This subchapter shall be known and cited as the “Election Integrity
33 Unit Act of 2023”.

34
35 7-4-302. Election Integrity Unit.

36 (a) There is created within the Attorney General’s Office the Election

1 Integrity Unit.

2 (b) The purpose of the Election Integrity Unit is to aid the Secretary
3 of State and the State Board of Election Commissioners in the completion of
4 their duties related to the investigation of election crimes and the security
5 of elections.

6 (c) The director of the Election Integrity Unit shall be known as the
7 “Director of the Election Integrity Unit” and shall be appointed by the
8 Attorney General.

9 (d) The Attorney General may also appoint staff to ensure the
10 efficient operation of the Election Integrity Unit, including without
11 limitation:

- 12 (1) Assistants;
13 (2) Nonsworn investigators;
14 (3) Professional staff; and
15 (4) Clerical staff.

16 (e) The Election Integrity Unit shall be based in Little Rock,
17 Arkansas.

18
19 7-4-303. Definitions.

20 As used in this subchapter:

21 (1) “Election laws” means the United States Constitution, the
22 Arkansas Constitution, and the statutes, final court decisions of general
23 applicability, and rules of the United States and the State of Arkansas
24 concerning elections conducted by county boards of election commissioners and
25 the rules promulgated by the State Board of Election Commissioners under § 7-
26 4-101 concerning elections conducted by county boards of election
27 commissioners; and

28 (2) “Voter registration laws” means those laws under the United
29 States Constitution, the Arkansas Constitution, and the statutes, final court
30 decisions, and rules promulgated by the United States and the State of
31 Arkansas concerning voter registration laws.

32
33 7-4-304. Duties of the Election Integrity Unit.

34 (a) The Election Integrity Unit shall establish the Arkansas Election
35 Integrity Database that shall be maintained by the Election Integrity Unit,
36 with secure access provided to the Secretary of State and the State Board of

1 Election Commissioners.

2 (b) The Election Integrity Unit shall:

3 (1) Track all alleged violations, complaints, and investigations
4 in the Arkansas Election Integrity Database;

5 (2) Oversee the Attorney General's election law violations
6 hotline under § 7-4-305;

7 (3) Respond to notifications or complaints generated by election
8 officials or any other person alleging a violation of voter registration laws
9 or election laws;

10 (4) Refer all notifications of complaints to the State Board of
11 Election Commissioners for investigation of any potential civil or criminal
12 acts related to a violation of election law and violations concerning
13 election security reported under §7-4-120 or this subchapter;

14 (5) To institute civil proceedings for the purpose of enforcing
15 the provisions of this chapter and as specifically enumerated in § 7-4-306.

16 (6) Receive sworn statements and issue subpoenas to compel the
17 production of records and other documents pursuant to § 25-16-705; and

18 (7) Enforce the provisions of this subchapter and perform such
19 other functions as may be incidental to the powers and duties set forth in
20 this subchapter.

21 (c) If during the course of an investigation, the State Board of
22 Election Commissioners determines that there may be a criminal violation of
23 voter registration laws or election laws, the findings of the investigation:

24 (1)(A) May be turned over to the appropriate prosecutorial
25 agency for criminal prosecution.

26 (B) A prosecuting attorney having jurisdiction over a
27 violation of voter registration laws or election laws may designate an
28 attorney employed by the Attorney General's office as a special deputy
29 prosecutor to prosecute any charges related to a violation of voter
30 registration laws or election laws or any other charges that may arise from
31 the same factual allegations or may be properly joined under state law.

32 (C)(i) Under Arkansas Constitution, Amendment 80, § 20 and
33 § 16-21-103, only a prosecuting attorney has the duty and authority to
34 commence and prosecute any criminal action under state law.

35 (ii) A special deputy prosecuting attorney's power
36 to prosecute a criminal action under this section is derivative from the

1 prosecuting attorney; and

2 (2) Shall be heard by the State Board of Election Commissioners
3 if the potential violation is a civil violation.

4 (d) This subchapter does not limit the jurisdiction of any other state
5 entity empowered by law to investigate, act upon, or dispose of alleged
6 violations of state voter registration and election laws.

7 (e)(1) By August 1 of each year, the State Board of Election
8 Commissioners shall submit a report of all closed investigations of the
9 previous calendar year to the:

10 (A) Governor;

11 (B) Attorney General; and

12 (C) Joint Performance Review Committee.

13 (2) The report required under subdivision (e)(1) of this section
14 shall:

15 (A) Provide a summary of information on each closed
16 investigation of an alleged violation of election laws conducted during the
17 prior calendar year;

18 (B) Include the total number of:

19 (i) Complaints received;

20 (ii) Independent investigations initiated; and

21 (iii) Number of complaints referred for criminal
22 prosecution; and

23 (C) The current status of any resulting criminal case.

24
25 7-4-305. Election law violation – Hotline.

26 (a)(1) The Attorney General shall establish and publish procedures to
27 receive complaints concerning violations of election law.

28 (2) The procedures shall include the operation of a toll-free
29 hotline and may include procedures to receive written complaints through the
30 mail, email, or fax.

31 (3) Knowingly filing a false claim of a violation of election
32 law is a Class A misdemeanor punishable under § 7-1-103(c).

33 (b)(1) The State Board of Election Commissioners shall report all
34 complaints received through the election law violation hotline to the Joint
35 Performance Review Committee in the report required under § 7-4-304.

36 (2) The report may contain preliminary findings by the State

1 Board of Election Commissioners as to the validity of the complaint if the
2 full investigation is not complete.

3
4 § 7-4-306. Civil actions by Attorney General

5 (a) Whenever the Attorney General has reason to believe that a person
6 or entity is engaging, has engaged, or is about to engage in any act or
7 practice declared unlawful by § 7-1-103 or § 7-1-104, the Attorney General
8 may bring an action in the name of the state against that person or entity.

9 (b) An action under subsection (a) of this section may be brought to:

10 (1) Obtain a declaratory judgment that the act or practice
11 violates the provisions of § 7-1-103 or § 7-1-104;

12 (2) Enjoin any act or practice that violates the provisions of §
13 7-1-103 or § 7-1-104 by issuance of a temporary restraining order or
14 preliminary or permanent injunction, without bond, upon the giving of
15 appropriate notice;

16 (3) Recover on behalf of the state and its agencies actual
17 damages for loss incurred either directly or indirectly; and

18 (4) Recover civil penalties of at least one thousand dollars
19 (\$1,000) per violation of § 7-1-103 or § 7-1-104, or any injunction, judgment
20 issued or entered into under the provisions of § 7-1-103 or § 7-1-104 and
21 reasonable expenses, investigative costs, and attorney's fees.

22
23 SECTION 4. Arkansas Code § 7-5-202(c)(1)(F)(ii), concerning public
24 notice of elections, is amended to read as follows:

25 (ii) Information about the availability of the
26 Attorney General's election law violation hotline, including without
27 limitation the hotline telephone number of the Attorney General's election
28 law violation hotline established under § ~~25-16-717~~ 7-4-305;

29
30 SECTION 5. Arkansas Code § 25-16-717 is repealed.

31 ~~25-16-717. Election law violation—Hotline.~~

32 ~~(a)(1) The Attorney General shall establish and publish procedures to~~
33 ~~receive complaints concerning violations of election law.~~

34 ~~(2) The procedures shall include the operation of a toll-free~~
35 ~~hotline and may include procedures to receive written complaints through the~~
36 ~~mail, email, or fax.~~

