

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 719

TO CREATE THE VOTER INTEGRITY UNIT WITH THE SECRETARY OF STATE; TO ENSURE
EFFECTIVE AND THOROUGH INVESTIGATIONS OF ALLEGED ELECTION MISCONDUCT; AND TO
PROTECT THE INTEGRITY OF ELECTIONS.

Amendment No. 1 to Senate Bill No. 719

Amend Senate Bill No. 719 as originally introduced:

Delete everything after the enacting clause and substitute the following:

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

7-1-111. Voter Integrity Unit – Creation.

(a) There is created a Voter Integrity Unit.

(b) The Voter Integrity Unit shall be composed of four (4) members of the staff of the Secretary of State who are designated by the Secretary of State, including:

(1) The Director of the Elections Division of the Secretary of State, or a designee selected by the Secretary of State, to serve as Chairman of the Voter Integrity Unit;

(2) The General Counsel of the Secretary of State;

(3) One (1) employee of the Elections Division of the Secretary of State; and

(4) One (1) officer of the State Capitol Police.

(c) The Voter Integrity Unit shall investigate any complaint of election irregularity or alleged violation of election law that has been filed with the State Board of Election Commissioners.

(d) The Voter Integrity Unit shall:

(1)(A) Conduct an investigation of each complaint of election irregularity or alleged violation of election law.

(B) In the course of an investigation, the Voter Integrity Unit may:

(i) Conduct a hearing;

(ii) Use the power of subpoena to compel the:

(a) Attendance and testimony of a witness; and

(b) Production of evidence, including without limitation books, records, or other documents; and

(iii) Administer an oath for the purpose of taking sworn testimony; and



(2) Render a report on the result of the investigation to the Secretary of State.

(e) Within thirty (30) calendar days of receiving the report, the Secretary of State shall present the results of the report to a meeting of the State Board of Election Commissioners.

(f) The State Board of Election Commissioners shall receive the report and within thirty (30) calendar days from receipt of the report determine an official response from the board, including without limitation:

(1) Dismissal of the complaint of election irregularity or violation of election law;

(2) Issue of a letter of caution to individuals or entities responsible for election irregularity; or

(3) Referral of the instance of alleged election law violation to:

(A) The prosecuting attorney for the jurisdiction in which the alleged election law violation occurred; or

(B) The United States Attorney for the jurisdiction in which the alleged election law violation occurred.

(g) Within sixty (60) calendar days of determining the official response of the State Board of Election Commissioners to the instance of election irregularity or alleged violation of election law, the State Board of Election Commissioners shall submit to the House Committee of State Agencies and Governmental Affairs and the Senate Committee of State Agencies and Governmental Affairs of the Arkansas General Assembly a report that includes without limitation the:

(1) Name of the complainant or entity filing the complaint of election irregularity or alleged election law violation;

(2) Date the incident is alleged to have occurred;

(3) Date of the complaint;

(4) Location in which it is alleged that the incident occurred;

(5) Detailed explanation of the complaint of election irregularity or alleged election law violation;

(6) Report of the Voter Integrity Unit to the Secretary of State; and

(7) Resolution report of the State Board of Election Commissioners, including:

(A) Minutes of the State Board of Election Commissioners' meeting on the report of the Voter Integrity Unit;

(B) Determination of the State Board of Election Commissioners regarding disposition of the complaint of election irregularity or alleged election law violation; and

(C) Copies of any referrals to prosecutors or United States Attorneys.

(h)(1) The following documents are exempt from disclosure under the Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq., until after the formal presentation of the final report to the House Committee of State Agencies and Governmental Affairs and the Senate Committee of State Agencies and Governmental Affairs:

(A) The report of results of the investigation by the Voter Integrity Unit;

(B) The report by the Secretary of State to the State Board of Election Commissioners concerning the investigation;

(C) Reports, communications, and printed and electronic documents of the State Board of Election Commissioners to the Joint Committee on State Agencies and Governmental Affairs;

(2) For the purpose of the discussion of the investigation, a governing body otherwise subject to the open meeting requirements under § 25-19-106 shall convene an executive session, the minutes or other record of which shall be publicly available after the formal presentation of the final report to the House Committee of State Agencies and Governmental Affairs and the Senate Committee of State Agencies and Governmental Affairs."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator B. King
JAW/CEH - 03-25-2013 09:20:51
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Secretary