

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 1013

TO PROVIDE FOR COMPREHENSIVE INVESTIGATIONS OF ELECTION MISCONDUCT; AND TO
CREATE A VOTER INTEGRITY UNIT ADMINISTERED BY THE SECRETARY OF STATE.

Amendment No. 1 to Senate Bill No. 1013

Amend Senate Bill No. 1013 as originally introduced:

Page 1, delete line 10, and substitute the following:

"ADMINISTERED BY THE SECRETARY OF STATE; TO ALLOW THE VOTER INTEGRITY UNIT TO
PERFORM RECOUNTS; AND FOR OTHER"

AND

Delete the subtitle in its entirety and substitute:

"TO PROVIDE FOR COMPREHENSIVE
INVESTIGATIONS OF ELECTION MISCONDUCT;
TO CREATE A VOTER INTEGRITY UNIT
ADMINISTERED BY THE SECRETARY OF STATE;
AND TO ALLOW THE VOTER INTEGRITY UNIT TO
PERFORM RECOUNTS."

AND

Page 1, line 27, delete "members of" and substitute "members,"

AND

Page 1, delete lines 28 through 36 and substitute the following:

"including:

- (1) The Secretary of State or his or her designee, to serve as
Chair of the Voter Integrity Unit;
- (2) The Attorney General or his or her designee;
- (3) A certified investigator employed by the Department of
Arkansas State Police appointed by the Director of the Department of Arkansas
State Police;
- (4) Two (2) members who are not members of the State Board of
Election Commissioners, to be appointed by the Republican Party of Arkansas;
and



(5) Two (2) members who are not members of the State Board of Election Commissioners, to be appointed by the Arkansas Democratic Party."

AND

Page 3, delete line 22 and substitute the following:

"States Attorneys.

(h) The State Board of Election Commissioners shall immediately submit a copy of a complaint filed with the State Board of Election Commissioners to the Voter Integrity Unit.

(i) The Voter Integrity Unit shall file a quarterly report with the Senate Committee on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs concerning the status of the cases under investigation by the Voter Integrity Unit.

(j) Upon request of a law enforcement agency, the Voter Integrity Unit shall assist the law enforcement agency in its investigation of criminal acts concerning elections.

(k) A county board of election commissioners or county clerk shall cooperate with requests of the Voter Integrity Unit for information, testimony, evidence, or other requests necessary for an investigation by the Voter Integrity Unit.

(l) The Voter Integrity Unit or its designee may perform a recount as provided under § 7-5-319.

(m) The investigative file of the Voter Integrity Unit shall be exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., until the investigation is closed by the Voter Integrity Unit.

SECTION 2. Arkansas Code § 7-5-319 is amended to read as follows:
7-5-319. Recount.

(a)(1)(A) Any candidate voted for who may be dissatisfied with the returns from any precinct shall have a recount of the votes cast therein upon the candidate's presenting the county board of election commissioners with a petition requesting the recount.

(B) Upon request of the candidate, the recount may be performed by:

(i) The county board of election commissioners; or

(ii) The Voter Integrity Unit or its designee.

(2) When the number of outstanding absentee ballots of overseas voters is not sufficient to change the results of the election, the candidate must present the petition no later than two (2) days after the county board declares preliminary and unofficial results of the election, including a statement of the number of outstanding absentee ballots of overseas voters.

(3) When the number of outstanding absentee ballots of overseas voters is sufficient to potentially change the results of the election, the candidate must present the petition at any time before the county board finally completes the canvass of the returns of the election and certifies the result.

(b) At the time that the petition requesting the recount is presented, the county board shall provide to the candidate requesting the recount a copy of the test results on the voting machines and the electronic vote tabulating devices. Only one (1) recount per candidate per election shall be permitted. The county board shall certify the results of the last recount. The county

board may upon its own motion conduct a recount of the returns from any or all precincts.

(c)(1) For any recount of an election in which ballots are cast using a direct recording electronic voting machine with a voter-verified paper audit trail, the voter-verified paper audit trail shall serve as the official ballot to be recounted.

(2) The county board of election commissioners or the Voter Integrity Unit or its designee either may:

(A) Manually sum the total votes for each candidate involved in the recount that is printed on the voter-verified paper audit trail; or

(B) Count by hand the votes for each candidate involved in the recount as shown on the voter-verified paper audit trail.

(3) If the voter-verified paper audit trail is damaged or for some other reason is incapable of being used for a recount, the paper record produced by the machine for manual audit shall be the official ballot to be recounted.

(4) If the voting machine is exempt from the requirement to have a voter-verified paper audit trail and does not have one, the paper record produced by the machine for manual audit shall be the official ballot to be recounted.

(d) For the recount of an election in which paper ballots are used, the county board or the Voter Integrity Unit or its designee shall open the package containing the ballots and recount the ballots in the manner prescribed by law for the count to be made by the election officials in the first instance, or if there is a determination by the county board that the voting machine or electronic vote tabulating device may be malfunctioning, it may recount the ballots by any manner prescribed by law.

(e) The result as found upon the recount, if it differs from that certified by the election officials, shall be included in the canvass as the vote for the particular precinct for which the recount was ordered and made.

(f) After the recount is completed, the ballots shall again be sealed and kept as provided by law.

(g)(1) The costs for any recount must be borne by the candidate petitioning for it, and payment of the costs must be made to the county board prior to the recount in an amount determined by the county board.

(2) In the event that the outcome of the election is altered by recount, the costs of the recount shall be refunded to the candidate who petitioned for the recount.

(h) The costs of any recount shall be based on the actual costs incurred to conduct the recount, but in no instance shall the amount charged to conduct a recount exceed the rate of twenty-five cents (25¢) per vote cast in the precincts where the recount is requested or a total of two thousand five hundred dollars (\$2,500) for the entire county, whichever is less.

(i) Within forty-eight (48) hours after a petition for recount is filed, the county board of election commissioners shall notify all candidates whose election could be affected by the outcome of the recount.

(j)(1) The Voter Integrity Unit may designate one (1) or more people who have attended election training under § 7-4-109 within twelve (12) months before the election to perform a recount under this section.

(2) If the Voter Integrity Unit or its designee performs the recount, the recount shall be performed in the presence of the county board

of election commissioners."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator B. King

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Secretary