

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 604

5 By: Senator B. Ballinger  
6 By: Representative Womack  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW TO IMPOSE PENALTIES ON  
10 STATE AND COUNTY ELECTION OFFICIALS WHO FAIL TO  
11 PERFORM STATUTORY DUTIES; TO ALLOW INVESTIGATION OF  
12 ELECTION LAW VIOLATIONS BY THE DIVISION OF ARKANSAS  
13 STATE POLICE; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO AMEND ARKANSAS LAW TO IMPOSE PENALTIES  
17 ON STATE AND COUNTY ELECTION OFFICIALS  
18 WHO FAIL TO PERFORM STATUTORY DUTIES; AND  
19 TO ALLOW INVESTIGATION OF ELECTION LAW  
20 VIOLATIONS BY THE DIVISION OF ARKANSAS  
21 STATE POLICE.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 7-1-103(a), concerning miscellaneous  
28 misdemeanor election-related offenses, is amended to add an additional  
29 subdivision to read as follows:

30 (23) An election official shall be subject to the penalties  
31 under § 7-4-122 if an election official knowingly:

32 (A) Fails to perform a duty prescribed by law;

33 (B) Fails to follow or implement guidance issued under §  
34 7-4-101(f)(5); or

35 (C) Performs a duty or carries out a responsibility in a  
36 manner that hinders or disregards the purpose of the duty or responsibility.



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2 SECTION 2. Arkansas Code § 7-4-120(a), concerning complaints of  
3 election law violations, is amended to add additional subdivisions to read as  
4 follows:

5 (3) The State Board of Election Commissioners may refer the  
6 investigation of alleged violations of election and voter registration laws  
7 to the Division of Arkansas State Police for investigation.

8 (4) The division shall investigate an alleged violation of  
9 election and voter registration law if the alleged violation is referred to  
10 the division by the State Board of Election Commissioners.

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12 SECTION 3. Arkansas Code § 7-4-120(b)(6), concerning complaints of  
13 election law violations, is amended to read as follows:

14 (6)(A) If a complaint is filed as required by this section, the  
15 State Board of Election Commissioners shall investigate the alleged violation  
16 or refer the alleged violation to the division for investigation.

17 (B) Immediately upon beginning an investigation or  
18 referring an alleged violation to the division under this section, the State  
19 Board of Election Commissioners shall notify the person under investigation  
20 of the fact of the investigation and the nature of the investigation.

21 (C) If at the conclusion of the investigation by either  
22 the State Board of Election Commissioners or the division, the State Board of  
23 Election Commissioners finds that there is probable cause to believe there  
24 has been a violation of the voter registration laws or election laws, the  
25 State Board of Election Commissioners may set a public hearing.

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27 SECTION 4. Arkansas Code § 7-4-120(c)(1), concerning complaints of  
28 election law violations, is amended to read as follows:

29 (c)(1) The State Board of Election Commissioners and the division  
30 shall maintain a record of all inquiries, investigations, and proceedings.

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

34 (B) The investigation by the State Board of Election  
35 Commissioners or the division is closed by the State Board of Election  
36 Commissioners or the division.

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SECTION 6. Arkansas Code § 7-4-120(i)(1), concerning complaints of election law violations, is amended to read as follows:

(i)(1) The State Board of Election Commissioners or the division shall conclude its investigation and take its final action under this section within one hundred eighty (180) days of the filing of a complaint.

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

7-4-122. Penalties for nonperformance of duty by election official.

(a) When the State Board of Election Commissioners receives information indicating that an election official has committed a violation under § 7-1-103(a)(23), the State Board of Election Commissioners shall refer the matter to the Division of Arkansas State Police for investigation.

(b) The division is authorized to initiate an investigation of the alleged violation under the procedures of § 7-4-120(d).

(c) If, at the conclusion of the investigation, the State Board of Election Commissioners determines that the election official violated § 7-1-103(a)(23), the State Board of Election Commissioners may impose a penalty allowed under § 7-4-120(e).

(d) As used in this section, "election official" means a person who is:

- (1) A member of a county board of election commissioners;
- (2) A person who performs election coordinator duties; or
- (3) A person who is a poll worker designated by a county board of election commissioners to be:
  - (A) An election clerk;
  - (B) An election judge;
  - (C) An election sheriff; or
  - (D) A deputy county clerk assigned to conduct early

voting.