

2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

A Bill

DRAFT JAW/JAW
SENATE BILL

5
6 By: Senator B. King

7 Filed with: Interim Senate Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO CREATE THE VOTER INTEGRITY UNIT WITH THE
11 SECRETARY OF STATE; TO ENSURE EFFECTIVE AND THOROUGH
12 INVESTIGATIONS OF ALLEGED ELECTION MISCONDUCT; TO
13 PROTECT THE INTEGRITY OF ELECTIONS; AND FOR OTHER
14 PURPOSES.

Subtitle

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

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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 Title 7, Chapter 1, is amended to add an
28 additional section to read as follows:

29 7-1-111. Voter Integrity Unit – Creation.

30 (a) There is created the Voter Integrity Unit.

31 (b) The unit shall be composed of five (5) members, one (1) each
32 appointed by the Governor, Attorney General, Lieutenant Governor, Speaker of
33 the House of Representatives, and President Pro Tempore of the Senate.

34 (c) Members of the unit shall be appointed for terms of four (4) years
35 and shall continue to serve until their successors have been appointed and
36 have taken the official oath.

1 (d)(1) Except as provided under subdivision (d)(2) of this section, a
2 person shall not be appointed to serve consecutive terms on the unit.

3 (2) A member of the unit who has been appointed to fill a
4 vacancy who serves two (2) years or less of an unexpired term may be
5 appointed to a subsequent four-year term.

6 (e)(1) A member of the unit shall not be:

7 (A) A federal, state, or local government official or
8 employee;

9 (B) An elected official;

10 (C) A candidate for public office;

11 (D) A lobbyist under § 21-8-402(11); or

12 (E) An officer or employee of an organized political
13 party.

14 (2)(A) Except as provided under subdivision (e)(2)(B) of this
15 section, a member of the unit serving his or her term or an employee of the
16 unit shall not raise funds for, make contributions to, provide services to,
17 or lend his or her name in support of:

18 (i) A candidate for election to public office; or

19 (ii) A ballot issue to be submitted to voters.

20 (B) A member of the unit serving his or her term or an
21 employee of the unit may exercise his or her right to vote or sign an
22 initiative or referendum petition.

23 (f)(1) The unit shall elect one (1) member to serve as chair.

24 (2)(A) A majority of the membership shall be a quorum for
25 conducting business.

26 (B) An action shall not be taken by the unit except by an
27 affirmative vote of the majority of those present and voting.

28 (C) Sanctions shall not be imposed without an affirmative
29 vote of at least three (3) members.

30 (3) The vote of each member voting on any action shall be a
31 public record.

32 (g)(1) A member of the unit shall serve without compensation but may
33 receive expense reimbursement under § 25-16-901 et seq.

34 (2) The board shall be provided office space, support staff, and
35 secretarial services as necessary by the office of the Secretary of State.

36 (h) The unit shall meet when the meeting is:

1 (1) Called by the chair; or

2 (2) Requested in writing by any three (3) members of the unit.

3 (i) The unit shall:

4 (1) Promulgate reasonable rules to implement and administer the
5 requirements of this subchapter and to govern procedures before the unit,
6 matters of unit operations, and all investigative and disciplinary procedures
7 and proceedings;

8 (2) Promulgate rules establishing procedures, locations, and
9 notice requirements for meetings; and

10 (3) Investigate alleged violations of election laws upon a
11 complaint filed under § 7-6-218 by:

12 (A) A member of the State Board of Election Commissioners;

13 (B) A member of a county board of election commissioners;

14 (C) A county clerk;

15 (D) An election official;

16 (E) A poll watcher;

17 (F) A candidate for office; or

18 (G) An elected official.

19 (j) The unit may:

20 (1) Upon a finding of a violation of the election laws, render
21 findings and disciplinary action;

22 (2) Subpoena any person or the books, records, or other
23 documents being held by any person and take sworn statements;

24 (3) Administer oaths for the purpose of taking sworn testimony
25 of witnesses;

26 (4) Conduct hearings;

27 (5) Hire staff and legal counsel; and

28 (6)(A) File suit in the Pulaski County Circuit Court, in the
29 circuit court of the county where the respondent resides, or, under § 16-17-
30 706, in the small claims division established in any district court in the
31 State of Arkansas, to obtain a judgment for the amount of any fine imposed
32 under this section or to enforce an order of the unit requiring the filing or
33 amendment of a disclosure form.

34 (B) An action by the court under subdivision (j)(6)(A) of
35 this section shall be limited to the question of whether a fine imposed by
36 the unit has been paid by the defendant.

1 (C) The fee charged for the filing of a suit in any of the
2 circuit courts in the State of Arkansas shall be waived in actions brought by
3 the unit.

4 (k) If the unit issues a subpoena to a financial institution for
5 records or information regarding a person who is the subject of an
6 investigation by the unit, the unit shall allow the institution reasonable
7 notice and opportunity to respond.

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10 SECTION 2. Arkansas Code § 7-6-217, concerning the creation, powers,
11 and duties of the Arkansas Ethics Commission, is amended to add an additional
12 subsection to read as follows:

13 (i) The commission immediately shall provide to the Voter Integrity
14 Unit under § 7-1-111 an election complaint filed under this section by:

- 15 (1) A member of the State Board of Election Commissioners;
- 16 (2) A member of a county board of election commissioners;
- 17 (3) A county clerk;
- 18 (4) An election official;
- 19 (5) A poll watcher;
- 20 (6) A candidate for office; or
- 21 (7) An elected official.

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23 Referral requested by: Senator Bryan King

24 Prepared by: JAW/JAW

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