

1 INTERIM STUDY PROPOSAL 2015-117

2 State of Arkansas
3 90th General Assembly
4 Regular Session, 2015

As Engrossed: S3/24/15

A Bill

SENATE BILL 963

5
6 By: Senator B. King

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

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE LAW CONCERNING COMPLAINTS FILED
11 WITH AND INVESTIGATIONS PERFORMED BY THE STATE BOARD
12 OF ELECTION COMMISSIONERS; TO AMEND THE LAW
13 CONCERNING CRIMINAL INVESTIGATIONS OF VIOLATIONS OF
14 ELECTION LAWS; AND FOR OTHER PURPOSES.

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17 **Subtitle**

18 ACT TO AMEND THE LAW CONCERNING
19 COMPLAINTS FILED WITH AND INVESTIGATIONS
20 PERFORMED BY THE STATE BOARD OF ELECTION
21 COMMISSIONERS; AND TO AMEND THE LAW
22 CONCERNING CRIMINAL INVESTIGATIONS OF
23 VIOLATIONS OF ELECTION LAWS.

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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28 *SECTION 1. Arkansas Code § 7-4-118(f), concerning the time for*
29 *investigation by the State Board of Election Commissioners, is amended to*
30 *read as follows:*

31 *(f)(1) ~~The~~ Except as provided in subsection (g) of this section, the*
32 *board shall complete its investigation of a complaint filed according to this*
33 *section and take final action within one hundred eighty (180) days of the*
34 *filing of the complaint.*

35 *(2) ~~However, if~~ Except as provided in subsection (g) of this*
36 *section, if a hearing under subsection (c) of this section is conducted, all*

1 action on the complaint by the board shall be completed within two hundred
2 forty (240) days.

3 (3) Any final action of the board under this section shall
4 constitute an adjudication for purposes of judicial review under § 25-15-212.

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6 SECTION 2. Arkansas Code § 7-4-118, concerning complaints to and
7 investigations by the State Board of Election Commissioners, is amended to
8 add an additional subdivision to read as follows:

9 (h)(1) The State Board of Election Commissioners shall, upon request,
10 assist a law enforcement agency in its investigation of a violation of
11 election laws.

12 (2) If the State Board of Election Commissioners refers an
13 investigation to a law enforcement agency, the law enforcement agency shall
14 notify the State Board of Election Commissioners:

15 (A) When the investigation is closed or becomes inactive;
16 and

17 (B) Whether a warrant for arrest or criminal charges have
18 been pursued.

19 (3) The State Board of Election Commissioners may reopen a
20 closed investigation for an additional one hundred eighty (180) days if:

21 (A) The State Board of Election Commissioners closed its
22 investigation due to the initiation of a law enforcement investigation;

23 (B) The investigation by the law enforcement agency is
24 closed or becomes inactive; and

25 (C) The law enforcement agency has chosen not to pursue a
26 warrant for arrest or criminal charges at the time the investigation is
27 closed or becomes inactive.

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29 /s/B. King

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32 Referred by the Arkansas Senate

33 Prepared by: VJF