

Exhibit D

D. Continuation of Discussion of Conflicts and Issues in 2023 Acts.

NOTABLE CONFLICTS AND ISSUES IN 2023 ACTS OF THE GENERAL ASSEMBLY
– ITEMS HELD OVER from June 2023 Meeting

B. MISCELLANEOUS ERRORS

3. Act No. 442, § 9, creates a new § 23-55-611(b) that appears to be improperly subdivided.

ISSUE: Act No. 442, § 9, creates several new code sections, one of which is § 23-55-611. The list of requirements in subdivision (b)(1) appears to be improperly formatted as subdivision (b)(2) appears to belong to the list created by subdivision (b)(1).

STAFF THOUGHTS: An option is to revise subsection (b) at the commission's direction to correct the wording and format the subsection correctly to address errors in word usage and grammatical errors and ratify the decision in a technical correction bill in the 2025 regular session. Regardless, the issue could be addressed in a 2025 technical correction bill.

4. Act No. 442, § 11, amends § 23-55-702 and omits a verb from subdivision (b)(2)(A) and creates a "hanging" subdivision (b)(6).

ISSUE: Act No. 442, § 11, amends § 23-55-702 by substantially revising the section. Subsection (a) sets out a list of permissible investments. Subsection (b) sets out a list of requirements for a letter of credit as a permissible investment. Subdivision (b)(2)(A) is missing a verb. In addition, subdivision (b)(6) is an incomplete sentence that appears to belong to the list of permissible investments in subsection (a).

STAFF THOUGHTS: An option is to revise the subsections and subdivisions at the commission's direction to correct the wording and format the language correctly to address errors in word usage and grammatical errors and ratify the decision in a technical correction bill in the 2025 regular session. Regardless, the issue could be addressed in a 2025 technical correction bill.

8. Act No. 596, § 1, creates a new § 4-56-107(d)(4)(A) with a grammatical error that obscures its meaning.

ISSUE: Act No. 596, § 1, creates a new § 4-56-107 (reassigned from § 4-56-106 because of another act) concerning digital currency tracking. Subsection (d) addresses the effects of federal law on financial institutions and disclosures to the government of customer financial information. Subdivision (d)(4)(A) appears to be setting out an exception to the requirements of the section, but the language is unclear in that it states: "This [section] does not require a financial institution . . . from compliance with" certain federal laws. This language is unclear and grammatically incorrect (it also uses the self-reference "This chapter", but this is an obvious manifest reference error – the chapter contains unrelated sections). Based on the language of subdivisions (d)(1) – (3), it is likely that the intent of subdivision (d)(4)(A) is: "This [section] does not *prohibit*" financial institutions from "*complying* with" the specified federal laws.

STAFF THOUGHTS: An option is to revise the subdivision at the commission's direction to correct the grammatical error and ratify the decision in a 2025 technical correction bill. Regardless, the issue could be addressed in a 2025 technical correction bill.

10. Act No. 701, § 1, creates a new § 23-3-117(a)(2)(C)(i) that is missing a verb.

ISSUE: Section 23-3-117 concerns contracts for interruptible service for utility services. Subdivision (a)(2) sets out the requirements for these contracts, including a new subdivision (a)(2)(C)(i) that reads: **A contract** under subdivision (a)(1) of this section [**missing verb**]

[s]pecify the amount of interruptible load to be achieved by the customer. (emphasis added). Subdivisions (a)(2)(A) and (B) use “shall” as the relevant verb.

STAFF THOUGHTS: Revisions of this type would be made at the commission’s direction and could be done subject to the codification being ratified in a 2025 technical correction bill. Regardless, the issue could be addressed in a 2025 technical correction bill.

11. Act No. 787, § 1, creates a new § 6-21-121 requiring schools to keep exterior doors locked and Act No. 841, § 44, creates a new § 20-22-1011 requiring the State Fire Marshal to require teachers at schools to keep all doors and exits unlocked.

ISSUE: Act No. 787 creates a new § 6-21-121 (reassigned from § 6-21-120 due to an earlier act), that requires public schools, private schools, and educational institutions to keep exterior doors closed and locked except for transition times. It also repeals language from § 12-13-109 that imposed a duty on the Director of the Division of Arkansas State Police and his or her officers and deputies to require teachers at public schools, private schools, and educational institutions to keep all doors and exits unlocked during school hours. Act No. 841 repeals § 12-13-109, but substantially reenacts it as § 20-22-1011 with language imposing a duty on the State Fire Marshal to require teachers at public schools, private schools, and educational institutions to keep all doors and exits unlocked during school hours. Act No. 787 was approved on April 12 and Act No. 841 was approved on April 13.

STAFF THOUGHTS: An option is a commission determination that Act Nos. 787 and 841 concern the same subject matter and are irreconcilable. In that event, under § 1-2-207(b) Act No. 841 prevails, § 20-22-1011 would be codified and § 6-21-121 would not be codified, and staff would add an ACRC Note at the appropriate sections. Another option is a commission determination that both sections should be codified, and instruct staff to further study the issues, contact interested parties, and list the issues for legislative correction in 2025, or to provide other direction as it desires.

12. Act No. 850, § 1, omits “open-enrollment public charter school” from § 6-17-2403(e)(2) and the introductory language of (f)(2).

ISSUE: Act No. 850 amends § 6-17-2403, which establishes minimum teacher compensation, to include open-enrollment public charter schools. It adds the phrase “open-enrollment public charter school” throughout the section, but omits it from subdivisions (e)(2) and (f)(2). However, this appears to be an erroneous omission because subdivision (e)(1) references part-time teachers and paraprofessionals at both public school districts and open-enrollment public charter schools being exempt from minimum teacher and compensation requirements and subdivision (f)(2)(A)(iii) references that the requirements of subdivision (f)(2) apply to open-enrollment public charter schools.

STAFF THOUGHTS: Revisions of this type would be made at the commission’s direction and could be done subject to the codification being ratified in a 2025 technical correction bill. Regardless, the issue could be addressed in a 2025 technical correction bill.

D. AMENDMENT/AMENDMENT – DIRECT CONFLICT

1. Act No. 350 amends §§ 7-5-601, 7-5-602, 7-5-603, and 7-5-701 and Act No. 743 amends §§ 7-5-601, 7-5-602, and 7-5-603.

ISSUE: Act No. 350 and Act No. 743 both amend several code sections concerning paper ballots. In § 7-5-601, both acts require paper ballots (Act No. 743 often uses “hand-count paper ballot”) to be compatible with electronic vote tabulation devices. Both acts require a county that chooses to use paper ballots rather than approved voting machines to be responsible for the costs of paper ballots and any devices or machines required for printing (and tabulating

by Act No. 350) the paper ballots (and labor costs associated with the hand count by Act No. 743). Both acts requires counties using paper ballots to comply with federal voting laws and the Americans with Disabilities Act, and Act No. 743 further requires each paper ballot to be hand counted to contain a watermark.

In § 7-5-602, both acts require a ballot to be approved by the county board of election commissioners and paper ballots to be run through an electronic vote tabulation device before a hand count is conducted. However, Act No. 743 goes into much greater detail for the requirement to run paper ballots through an electronic vote tabulation device. It states that the requirement applies in all general elections and preferential primary elections, but is optional for other elections if the election involves fewer than 5,000 voters. Act No. 350 does not contain these provisions.

In § 7-5-603, the acts begin to significantly differ. Initially in § 7-5-603, both acts repeat the requirement that paper ballots are to be run through an electronic vote tabulation device before a hand count is conducted. Act No. 350 then requires that the counting of paper ballots be complete within 24 hours of the close of the polls, with no significant break in the counting process, and that the county board of election commissioners ensure that there is more than one (1) poll worker available to continue the count in case of sickness or incapacity of a poll worker.

However, before addressing the deadline for the count, Act No. 743 requires tabulated results to be posted at each polling site before completion of the hand count, and it then goes into an extensive procedure concerning the sealing and transport of the paper ballots, the designation of the hand count location, a minimum of two (2) election officials to transport the paper ballots to the counting location, a requirement to count all ballots from voting machines used for compliance with federal law to be counted with the paper ballots, and storage of the paper ballots when not in use by the hand count. It also changes the responsibility for determining voter intent on an overvote from the poll workers to the county board of election commissioners.

Act No. 743 then begins to directly conflict with Act No. 350's requirements in § 7-5-603. Act No. 743 requires that the hand count be completed a minimum of 24 hours before the certification deadline (Act No. 350 required it to be completed within 24 hours of the close of the polls). Under Act No. 743, if the hand count is not completed in time, the machine tabulated results are certified as the result of the election. Act No. 743 requires that the county board of election commissioners ensure that there is a minimum of four (4) poll workers available to continue the count in case of sickness or incapacity of a poll worker (Act No. 350 required more than one (1)). Act No. 743 further amends § 7-5-603 to set a minimum distance of three (3) feet between the public and poll workers counting paper ballots and provisions giving candidates or political parties priority if sufficient room is unavailable to maintain the three-foot distance requirement. Act No. 350 does not contain these provisions.

The final discrepancy between Act No. 350 and Act No. 743 is that Act No. 350 amends § 7-5-701 to require that the county board of election commissioners declare preliminary and unofficial results no later than 24 hours after polls close on election night. This mirrors the requirement in § 7-5-603 that the hand count be completed within 24 hours of the close of the polls. Act No. 743 does not amend § 7-5-701. Act No. 350 was signed by the Governor on March 21, 2023, and Act No. 743 was signed by the Governor on April 12, 2023.

STAFF THOUGHTS: An option is a commission determination that Act Nos. 350 and 743 concern the same subject matter and are irreconcilable. In that event, under § 1-2-207(b) Act No. 743 prevails, Act No. 743 would be codified and Act No. 350 would not be codified, and staff would add an ACRC Note at the appropriate sections.

2. Act No. 444, § 6, amends § 7-5-615(d) and Act No. 460, § 1, amends § 7-5-615(d).

ISSUE: Act Nos. 444 and 460 both amend § 7-5-615(d). Subsection (d) addresses the procedure to follow if a paper ballot is so damaged or defective that it cannot be counted by the electronic vote tabulating device. Before the amendments by Act Nos. 444 and 460, subsection (d) required a duplicate copy of a damaged ballot to be made in the presence of a tabulation election official if the votes are tabulated at a central location. Act No. 444, in addition to amending various election law provisions concerning training, duties, and rights of poll watchers, adds a requirement that the duplicate copy of a damaged ballot be made in the presence of a designated poll watcher, if any. It also subdivides the existing language into subdivisions (d)(1) – (3) and adds a new subdivision (d)(4) requiring an election official under subdivision (d)(1) to maintain a recorded count of damaged ballots to be duplicated in the presence of poll watchers, and provide the report to the county board of election commissioners.

Act No. 460 repeals most of subsection (d) (including the reference to the duplicate ballot being made in the presence of an election official), and sets out a new, more comprehensive procedure for the duplication of a ballot in all new language designated as subdivisions (d)(2) – (4). New subdivisions (d)(2) requires the duplication procedure to be performed by an election official and in the presence of another election official. The new procedures also govern duplication at sites other than the central location or central counting facility. These amendments appear to be irreconcilable with the amendments by Act No. 444 because under Act No. 460 an election official is no longer referenced as being present for a duplication under subdivision (d)(1). This further makes the new subdivision (d)(4) added by Act No. 444 irreconcilable because it references subdivision (d)(1) and the presence of the election official and poll watchers under subdivision (d)(1). The Governor signed both Act No. 444 and Act No. 460 on April 4.

STAFF THOUGHTS: An option is a commission determination that Act No. 460, § 1, repealed the language amended by Act No. 444, § 6, and that Act No. 444 did not revive this language. In that event, Act No. 460, § 1, prevails, Act No. 460, § 1, would be codified and Act No. 444, § 6, would not be codified, and staff would add an ACRC Note at the section. An alternative option is a commission determination that Act No. 444, § 6, and Act No. 460, § 1, concern the same subject matter and are irreconcilable. In that event, under § 1-2-207(b), Act No. 444 prevails as the acts were signed on the same day and the Governor's Office confirmed that Act No. 444 was signed after Act No. 460, making it the last enactment.

B.3. Act No. 442, § 9, creates a new § 23-55-611(b) that appears to be improperly subdivided.

Stricken language would be deleted from and underlined language would be added to present law.

Act 442 of the Regular Session

1 State of Arkansas

As Engrossed: S3/15/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1438

5 By: Representative Maddox

6 By: Senator J. Dismang

For An Act To Be Entitled

9 AN ACT TO AMEND THE UNIFORM MONEY SERVICES ACT; AND
10 FOR OTHER PURPOSES.

Subtitle

14 TO AMEND THE UNIFORM MONEY SERVICES ACT.

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

19 SECTION 1. Arkansas Code § 23-55-102 is amended to read as follows:
20 23-55-102. Definitions.

21 In this chapter:

22 (1) "Applicant" means a person that files an application for a
23 license under this chapter.

24 (2) "Authorized delegate" means a person a licensee designates
25 to provide money services on behalf of the licensee.

26 (3) "Bank" means an institution organized under federal or state
27 law which:

28 (A) accepts demand deposits or deposits that the depositor
29 may use for payment to third parties and engages in the business of making
30 commercial loans; or

31 (B) engages in credit card operations and maintains only
32 one office that accepts deposits, does not accept demand deposits or deposits
33 that the depositor may use for payments to third parties, does not accept a
34 savings or time deposit less than \$100,000, and does not engage in the
35 business of making commercial loans.

36 (4) "Commissioner" means the Securities Commissioner.



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1 under this section, then the licensee shall respond to inquiries by the
2 sender with the reason for the failure unless providing a response would
3 violate a state or federal law, rule, or regulation.

4
5 **23-55-611. Refunds.**

6 (a) This section does not apply to:

7 (1) money received for transmission subject to the federal
8 remittance transfer definitions, 12 C.F.R. Part 1005.30, as it existed on
9 January 1, 2023; or

10 (2) money received for transmission under a written agreement
11 between the licensee and payee to process payments for goods or services
12 provided by the payee.

13 (b)(1) Every licensee shall refund to the sender within 10 days of
14 receipt of the sender's written request for a refund of all money received
15 for transmission unless any of the following occurs:

16 (A) the money has been forwarded within 10 days of the
17 date that the money was received for transmission;

18 (B) instructions have been given committing an equivalent
19 amount of money to the person designated by the sender within 10 days of the
20 date that the money was received for transmission;

21 (C)(i) the agreement between the licensee and the sender
22 instructs the licensee to forward the money at a time that is beyond 10 days
23 of the date that the money was received for transmission.

24 (ii) if funds have not yet been forwarded according
25 to the terms of the agreement between the licensee and the sender, then the
26 licensee shall issue a refund under this section; or

27 (D) the refund is requested for a transaction that the
28 licensee has not completed based on a reasonable belief or a reasonable basis
29 to believe that a crime or violation of law, rule, or regulation has
30 occurred, is occurring, or may occur.

31 (2) The refund request does not enable the licensee to:

32 (A) identify the sender's name and address or telephone
33 number; or

34 (B) identify the particular transaction to be refunded in
35 the event the sender has multiple transactions outstanding.
36

B.4. Act No. 442, § 11, amends § 23-55-702 and omits a verb from subdivision (b)(2)(A) and creates a “hanging” subdivision (b)(6).

1 State of Arkansas

As Engrossed: S3/15/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

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14 TO AMEND THE UNIFORM MONEY SERVICES ACT.

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

19 SECTION 1. Arkansas Code § 23-55-102 is amended to read as follows:
20 23-55-102. Definitions.

21 In this chapter:

22 (1) "Applicant" means a person that files an application for a
23 license under this chapter.

24 (2) "Authorized delegate" means a person a licensee designates
25 to provide money services on behalf of the licensee.

26 (3) "Bank" means an institution organized under federal or state
27 law which:

28 (A) accepts demand deposits or deposits that the depositor
29 may use for payment to third parties and engages in the business of making
30 commercial loans; or

31 (B) engages in credit card operations and maintains only
32 one office that accepts deposits, does not accept demand deposits or deposits
33 that the depositor may use for payments to third parties, does not accept a
34 savings or time deposit less than \$100,000, and does not engage in the
35 business of making commercial loans.

36 (4) "Commissioner" means the Securities Commissioner.



1 (4) Any statutory trust established under this subchapter shall
2 be terminated upon extinguishment of all of the licensee's outstanding money
3 transmission obligations.

4 (g)(1) The commissioner by rule or by order may allow other types of
5 investments that the commissioner determines are of sufficient liquidity and
6 quality to be a permissible investment.

7 (2) The commissioner may participate in efforts with other state
8 regulators to determine that other types of investments are of sufficient
9 liquidity and quality to be a permissible investment.

10
11 SECTION 11. Arkansas Code § 23-55-702 is amended to read as follows:

12 23-55-702. Types of permissible investments.

13 (a) Except to the extent otherwise limited by the commissioner
14 pursuant to § 23-55-701, the following investments are permissible under §
15 23-55-701:

16 (1) cash, including demand deposits, savings deposits, and funds
17 in such accounts held for the benefit of the licensee's customers in a
18 federally insured depository financial institution, and cash equivalents
19 including Automated Clearing House network items in transit to the licensee
20 and Automated Clearing House network items or international wires in transit
21 to a payee, cash in transit via armored car, cash in smart safes, cash in
22 licensee-owned locations, debit card or credit card-funded transmission
23 receivables owed by any bank, or money market mutual funds rated "AAA" by
24 Standard & Poor's, or the equivalent from any eligible rating service;

25 (2) a bank receivable or credit card receivable certificates of
26 deposit or senior debt obligations of an insured depository institution, as
27 defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813,
28 as it existed on January 1, 2023, or a federal credit union as defined under
29 the Federal Credit Union Act, 12 U.S.C. § 1781, as it existed on January 1,
30 2023;

31 (3) a savings deposit, a demand deposit, a certificate of
32 deposit, or senior debt obligation of an insured depository institution, as
33 defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813
34 (1994 & Supp. V 1999) an obligation of the United States or a commission,
35 agency, or instrumentality thereof; as an obligation that is guaranteed fully
36 as to principal and interest by the United States; or an obligation of a

1 state or a governmental subdivision, agency, or instrumentality thereof;

2 (4) an investment security that is an obligation of the United
3 States or a department, agency, or instrumentality thereof; an investment in
4 an obligation that is guaranteed fully as to principal and interest by the
5 United States; or an investment in an obligation of a State or a governmental
6 subdivision, agency, or instrumentality thereof; and

7 (5) ~~receivables that are payable to a licensee from its~~
8 ~~authorized delegates, in the ordinary course of business, pursuant to~~
9 ~~contracts that are less than seven days old~~ the full drawable amount of an
10 irrevocable standby letter of credit for which the stated beneficiary is the
11 commissioner that stipulates that the beneficiary need only draw a sight
12 draft under the letter of credit and present it to obtain funds up to the
13 letter of credit amount within 7 days of presentation of the items required
14 under subdivision (b)(3).

15 (b) ~~The following investments are permissible under § 23-55-701, if~~
16 ~~an investment does not exceed 30 percent of:~~

17 ~~(1) a short-term investment that is not longer than six months~~
18 ~~bearing a rating of one of the three highest grades as defined by a~~
19 ~~nationally recognized organization that rates securities;~~

20 ~~(2) commercial paper; and~~

21 ~~(3) an interest-bearing bill, note, bond, or debenture of a~~
22 ~~person whose equity shares are traded on a national securities exchange or on~~
23 ~~a national over-the-counter market.~~

24 (1) The letter of credit shall:

25 (A) be issued by a:

26 (i) federally insured depository financial
27 institution;

28 (ii) foreign bank that is authorized under federal
29 law to maintain a federal agency or federal branch office in a state or
30 states; or

31 (iii) foreign bank that is authorized under state
32 law to maintain a branch in a state that:

33 (a) bears an eligible rating or whose parent
34 company bears an eligible rating; and

35 (b) is regulated, supervised, and examined by
36 United States federal or state authorities having regulatory authority over

1 banks, credit unions, and trust companies;

2 (B) be irrevocable, unconditional, and indicate that it is
3 not subject to any condition or qualifications outside of the letter of
4 credit;

5 (C) not contain reference to any other agreements,
6 documents, or entities, or otherwise provide for any security interest in the
7 licensee; and

8 (D) contain an issue date and expiration date, and
9 expressly provide for automatic extension, without a written amendment, for
10 an additional period of 1 year from the present or each future expiration
11 date, unless the issuer of the letter of credit notifies the commissioner in
12 writing by certified or registered mail or courier mail or other receipted
13 means, at least 60 days before any expiration date, that the irrevocable
14 letter of credit will not be extended.

15 (2)(A) If any notice of expiration or nonextension of a letter
16 of credit issued under subdivision (b)(1)(D), then the licensee shall be
17 required to demonstrate to the satisfaction of the commissioner, 15 days
18 before expiration, that the licensee maintains and will maintain permissible
19 investments under § 23-55-701(a) upon the expiration of the letter of credit.

20 (B) If the licensee is not able to do so, then the
21 commissioner may draw on the letter of credit in an amount up to the amount
22 necessary to meet the licensee's requirements to maintain permissible
23 investments under § 23-55-703(a).

24 (C) Any such draw shall be offset against the licensee's
25 outstanding money transmission obligations.

26 (D) The drawn funds shall be held in trust by the
27 commissioner or the commissioner's designee, to the extent authorized by law,
28 as agent for the benefit of the purchasers and holders of the licensee's
29 outstanding money transmission obligations.

30 (3) The letter of credit shall provide that the issuer of the
31 letter of credit will honor, at sight, a presentation made by the beneficiary
32 to the issuer of the following documents on or before the expiration date of
33 the letter of credit:

34 (A) the original letter of credit, including any
35 amendments; and

36 (B) a written statement from the beneficiary stating that

1 any of the following events have occurred:

2 (i) the filing of a petition by or against the
3 licensee under the United States Bankruptcy Code, 11 U.S.C. § 101 et seq., as
4 it existed on January 1, 2023, for bankruptcy or reorganization;

5 (ii) the filing of a petition by or against the
6 licensee for receivership, or the commencement of any other judicial or
7 administrative proceeding for its dissolution or reorganization;

8 (iii) the seizure of assets of a licensee by the
9 commissioner under an emergency order issued according to applicable law on
10 the basis of an action, violation, or condition that has caused or is likely
11 to cause the insolvency of the licensee; or

12 (iv) the beneficiary has received notice of
13 expiration or nonextension of a letter of credit and the licensee failed to
14 demonstrate to the satisfaction of the beneficiary that the licensee will
15 maintain permissible investments under § 23-55-703(a) upon the expiration or
16 nonextension of the letter of credit.

17 (4)(A) The commissioner may designate an agent to serve on the
18 commissioner's behalf as beneficiary to a letter of credit so long as the
19 agent and letter of credit meet requirements established by the commissioner.

20 (B) The commissioner's agent may serve as agent for
21 multiple licensing authorities for a single irrevocable letter of credit if
22 the proceeds of the drawable amount for the purposes of this section are
23 assigned to the commissioner.

24 (5) The commissioner is authorized and encouraged to participate
25 in multistate processes designed to facilitate the issuance and
26 administration of letters of credit, including without limitation services
27 provided by the National Mortgage Licensing System.

28 (6) 100 percent of the surety bond provided for under § 23-55-
29 204 that exceeds the average daily money transmission liability in this
30 state.

31 (c) Unless permitted by the commissioner by rule or by order to exceed
32 the limit as stated, the following investments are permissible under § 23-55-
33 701 to the extent specified:

34 (1) receivables that are payable to a licensee from its
35 authorized delegates in the ordinary course of business that are less than 7
36 days old, up to 50 percent of the aggregate value of the licensee's total

B.8. Act No. 596, § 1, creates a new § 4-56-107(d)(4)(A) with a grammatical error that obscures its meaning.

1 State of Arkansas

As Engrossed: H3/30/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1720

4
5 By: Representative Lundstrum

6 By: Senator J. Dismang
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAWS CONCERNING LEGAL TENDER; TO
10 PROHIBIT THE TRACKING OF AN INDIVIDUAL THROUGH THE
11 USE OF DIGITAL CURRENCY EXCEPT FOR LIMITED
12 CIRCUMSTANCES; TO CLARIFY THE USE OF DIGITAL
13 CURRENCY; AND FOR OTHER PURPOSES.
14
15

Subtitle

16
17 TO AMEND THE LAWS CONCERNING LEGAL
18 TENDER; TO PROHIBIT THE TRACKING OF AN
19 INDIVIDUAL THROUGH THE USE OF DIGITAL
20 CURRENCY EXCEPT FOR LIMITED
21 CIRCUMSTANCES; AND TO CLARIFY THE USE OF
22 DIGITAL CURRENCY.
23
24

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

27 SECTION 1. Arkansas Code Title 4, Chapter 56, Subchapter 1, is amended
28 to add an additional section to read as follows:

29 4-56-106. Digital currency – Legislative findings – Prohibited –
30 Definitions.

31 (a) The General Assembly finds that:

32 (1) Digital currency may be used for many common things,
33 including without limitation payment applications or through online
34 transactions;

35 (2) Individuals feel strongly about their right to privacy;

36 (3) An individual may be tracked through the use of digital



1 currency concerning purchases and locations; and

2 (4) Tracking an individual without their knowledge and consent
3 or a legal right to do so should be prohibited.

4 (b) As used in this section:

5 (1) "Central bank" means a financial institution given
6 privileged control over the production and distribution of money and credit
7 for the United States;

8 (2) "Central bank digital currency" means a digital form of
9 central bank money that is available to the general public;

10 (3) "Central bank money" means legal tender that is a liability
11 of the central bank; and

12 (4)(A) "Digital currency" means a digital form of money that is
13 available to the general public.

14 (B) "Digital currency" includes central bank digital
15 currency.

16 (c) A digital currency tracker shall not be used in this state to
17 track an individual's purchases or location through the use by an individual
18 of digital currency unless:

19 (1) A warrant has been issued in a criminal or civil court case
20 that expressly authorizes the tracking of the individual's purchases; or

21 (2) The individual knows and consents to the digital currency
22 tracker.

23 (d)(1) The Right to Financial Privacy Act of 1978, Pub. L. No. 95-630,
24 restricts the ability of a government authority to access or obtain the
25 financial records of a customer of a financial institution.

26 (2) The Right to Financial Privacy Act of 1978, Pub. L. No. 95-
27 630 provides exceptions for when a financial institution does not need
28 customer consent for the disclosure, including if a legitimate law
29 enforcement inquiry is submitted to the financial institution.

30 (3) To the extent the disclosure authority is restricted by a
31 state statute that limits the ability of a financial institution to share
32 information relating to a legitimate law enforcement inquiry, it could be
33 determined to conflict with the Right to Financial Privacy Act of 1978, Pub.
34 L. No. 95-630, and would be subject to challenge under federal law.

35 (4)(A) This chapter does not require a financial institution, or
36 an officer, employee, or agent of a financial institution, from compliance

1 with the Right to Financial Privacy Act of 1978, Pub. L. No. 95-630, Bank
2 Secrecy Act, Pub. L. No. 91-508, Federal Financial Institutions Examination
3 Council regulations, including without limitation currency transaction
4 reports and suspicious activity reports.

5 (B) A financial institution, or officer, employee, or
6 agent thereof, refusing a request for disclosure of disclosure of protected
7 nonpublic information under this subsection in good faith, shall not be
8 liable to any government authority.

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10 /s/Lundstrum
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13 APPROVED: 4/11/23
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B.10. Act No. 701, § 1, creates a new § 23-3-117(a)(2)(C) that is missing a verb.

Stricken language would be deleted from and underlined language would be added to present law.

Act 701 of the Regular Session

1 State of Arkansas

As Engrossed: S4/3/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 454

4
5 By: Senators *M. McKee, Gilmore, Stone*

6 By: Representative Beaty Jr.
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING PUBLIC UTILITY CONTRACTS FOR
10 INTERRUPTIBLE SERVICE; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 CONCERNING PUBLIC UTILITY CONTRACTS FOR
14 INTERRUPTIBLE SERVICE.
15
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 23-3-117 is amended to read as follows:

21 23-3-117. Contracts for interruptible service ~~with industrial users.~~

22 (a)(1) Public utilities are authorized to A public utility may
23 contract for the sale, on an interruptible basis, of utility services at
24 agreed prices for a definite term not to exceed twenty-five (25) years with
25 customers whose use of the service is for manufacturing, generation,
26 processing, preparation of products, or industrial purposes.

27 (2) However, the contracts A contract under subdivision (a)(1)
28 of this section:

29 (A) Before becoming effective, shall:

30 (i) be subject Be subject to approval by the
31 Arkansas Public Service Commission ~~before becoming effective; and~~

32 (ii) Demonstrate that the contract is in the public
33 interest;

34 (B) These contracts, after After approval by the
35 ~~commission~~ Arkansas Public Service Commission, shall continue in full force
36 and effect for the term ~~thereof~~ of the contract; and



1 (C)(i) Specify the amount of interruptible load to be
2 achieved by the customer.

3 (ii) The amount under subdivision (a)(2)(C)(i) of
4 this section shall be permitted to be altered only one (1) time per year.

5 (b)(1) An electric utility shall have a schedule that offers
6 interruptible service when the electric utility's class of customers with the
7 highest level of consumption per customer that has rates that include a
8 demand component, and any successors to such a class, as the class existed on
9 January 1, 2023, has an annual usage for the class as a whole in excess of
10 five million megawatt hours (5,000,000 MWh).

11 (2) The rate schedule shall be consistent with and permitted by
12 applicable regional transmission organization tariffs and any applicable
13 order, rule, or regulation issued by the Federal Energy Regulatory Commission
14 and the Arkansas Public Service Commission, in order to the greatest extent
15 possible to qualify as a resource in the regional transmission organization's
16 wholesale market.

17 (3) If permitted by the applicable regional transmission
18 organization tariffs, the Federal Energy Regulatory Commission, and the
19 Arkansas Public Service Commission, then the rate schedule's pricing shall
20 be:

21 (A) Based on the embedded costs of the electric utility;
22 and

23 (B) Consistent with the cost-of-service study and
24 underlying allocation methods used to set the other rates of the electric
25 utility.

26 (4) The rate schedule shall include the demand rate discount
27 developed consistent with the method used in Order No. 35 issued by the
28 Arkansas Public Service Commission in Docket No. 96-360-U, on October 16,
29 1998.

30 (c)(1) Except as otherwise provided or required by the applicable
31 regional transmission organization or an applicable Federal Energy Regulatory
32 Commission order, rule, or regulation, an electric utility shall not prohibit
33 a customer from taking interruptible service based solely upon a fuel source
34 the customer uses to meet the customer's contracted interruptible
35 requirements.

36 (2) An electric utility customer's accounts that are taking

B.11. Act No. 787, § 1, creates a new § 6-21-121 requiring schools to keep exterior doors locked and Act No. 841, § 44, creates a new § 20-22-1011 requiring the State Fire Marshal to require teachers at schools to keep all doors and exits unlocked.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 554

4
5 By: Senator J. English
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE FIRE PREVENTION ACT; TO AMEND THE
9 LAWS RELATING TO FIRE DRILLS AND EXTERIOR DOORS AT
10 EDUCATIONAL INSTITUTIONS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE FIRE PREVENTION ACT; AND TO
14 AMEND THE LAW RELATING TO FIRE DRILLS AND
15 EXTERIOR DOORS AT EDUCATIONAL
16 INSTITUTIONS.
17
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 6, Chapter 21, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 6-21-¹²¹20. Exterior school doors to be closed and locked.

27 All public and private schools and all educational institutions shall
28 keep all exterior doors closed and locked during school hours with the
29 exception of transition times.
30

31 SECTION 2. Arkansas Code § 12-13-109 is amended to read as follows:

32 12-13-109. Fire drills - Exterior Doors - Egress.

33 (a) It shall be the duty of the Director of the Division of Arkansas
34 State Police, his or her officers, and deputies to require teachers of public
35 and private schools and all educational institutions to have one (1) fire
36 drill each month ~~and to keep all doors and exits unlocked during school~~



1 hours.

2 (b) A person shall not be impeded from building egress in compliance
3 with the Arkansas Fire Prevention Code and the standards for accessible
4 design under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.,
5 as it existed on January 1, 2023.

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8 APPROVED: 4/12/23
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1 State of Arkansas

As Engrossed: H4/3/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1766

5 By: Representative L. Johnson

6 By: Senator K. Hammer

For An Act To Be Entitled

9 AN ACT TO ABOLISH THE STATE FIRE PREVENTION
10 COMMISSION; TO AMEND THE DUTIES AND MEMBERSHIP OF THE
11 ARKANSAS FIRE PROTECTION SERVICES BOARD; TO CREATE
12 THE POSITION OF STATE FIRE MARSHAL; TO CREATE THE
13 ARKANSAS FIRE PROTECTION SERVICES GRANT PROGRAM; TO
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

18 TO ABOLISH THE STATE FIRE PREVENTION
19 COMMISSION; TO AMEND THE DUTIES AND
20 MEMBERSHIP OF THE ARKANSAS FIRE
21 PROTECTION SERVICES BOARD; TO CREATE THE
22 POSITION OF STATE FIRE MARSHAL; AND TO
23 DECLARE AN EMERGENCY.

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

28 SECTION 1. DO NOT CODIFY. Abolition of State Fire Prevention
29 Commission.

30 (a) The State Fire Prevention Commission is abolished, and its
31 authority, duties, functions, records, contracts, personnel, property, and
32 unexpended balances of appropriations, allocations, and other funds,
33 including the functions of budgeting or purchasing, are transferred to the
34 Arkansas Fire Protection Services Board.

35 (b) The State Fire Prevention Commission's statutory powers, duties,
36 and functions, including the functions of budgeting or purchasing, records,



1 ~~origin, and circumstances of fires.~~

2 ~~(b) The director is empowered to adopt reasonable rules for the~~
3 ~~effective administration of this subchapter to accomplish its intent and~~
4 ~~purposes, and to safeguard the public from fire hazards.~~

5 ~~(c) The director shall make reasonable rules for the keeping, storing,~~
6 ~~using, manufacture, selling, handling, transportation, or other disposition~~
7 ~~of highly inflammable materials and rubbish, gunpowder, dynamite, crude~~
8 ~~petroleum or any of its products, explosives or compounds or any other~~
9 ~~explosive, including fireworks, and firecrackers, and he or she may prescribe~~
10 ~~the materials and construction of receptacles and buildings to be used for~~
11 ~~any of those purposes.~~

12 ~~(d) Nothing in this subchapter shall apply to the inspection of~~
13 ~~boilers, § 20-23-101 et seq., the administration and enforcement of which is~~
14 ~~now vested in the Division of Labor.~~

15

16 SECTION 15. Arkansas Code § 12-13-108 is amended to read as follows:

17 12-13-108. Ex officio deputies.

18 All mayors, members of fire departments, and peace officers shall be ex
19 officio deputies to the Director of the Division of Arkansas State Police.
20 They shall be subject to the duties and obligations imposed by this
21 subchapter law in fire prevention and in the investigation of the cause,
22 origin, and circumstances of fires within their jurisdiction.

23

24 SECTION 16. Arkansas Code § 12-13-109 is repealed.

25 ~~12-13-109. Fire drills.~~

26 ~~It shall be the duty of the Director of the Division of Arkansas State~~
27 ~~Police, his or her officers, and deputies to require teachers of public and~~
28 ~~private schools and all educational institutions to have one (1) fire drill~~
29 ~~each month and to keep all doors and exits unlocked during school hours.~~

30

31 SECTION 17. Arkansas Code § 12-13-110 is repealed.

32 ~~12-13-110. Inspection of buildings.~~

33 ~~(a)(1) Upon complaint of any person or on their own motion, the~~
34 ~~Director of the Division of Arkansas State Police and his or her officers or~~
35 ~~deputies may inspect all buildings and premises within their jurisdiction and~~
36 ~~issue an order for the compliance with the director's rules.~~

1 enforcement agency, enforce all laws and ordinances with regard to the
2 following, including without limitation:

3 (1) The prevention of fires;
4 (2) The storage, sale, and use of combustibles and explosives;
5 (3) The installation and maintenance of automatic or other fire
6 alarm systems and fire extinguishing equipment;

7 (4) The construction, maintenance, and regulation of fire
8 escapes;

9 (5) The means and adequacy of exits in case of fire from
10 factories, asylums, hospitals, churches, schools, halls, theaters, and all
11 other places in which numbers of people work, live, or congregate from time
12 to time, for any purpose; and

13 (6) The suppression of arson and the investigation of the cause,
14 origin, and circumstances of fires.

15 (c)(1) The State Fire Marshal within the Office of Fire Protection
16 Services shall adopt reasonable rules for the effective administration of
17 this subchapter to accomplish its intent and purposes, and to safeguard the
18 public from fire hazards.

19 (d) The State Fire Marshal within the Office of Fire Protection
20 Services shall make reasonable rules for the keeping, storing, using,
21 manufacture, selling, handling, transportation, or other disposition of
22 highly inflammable materials and rubbish, gunpowder, dynamite, crude
23 petroleum or any of its products, explosives or compounds, or any other
24 explosive, including fireworks, and firecrackers, and he or she may prescribe
25 the materials and construction of receptacles and buildings to be used for
26 any of those purposes.

27 (e) Nothing in this subchapter shall apply to the inspection of
28 boilers, § 20-23-101 et seq., the administration and enforcement of which is
29 now vested in the Division of Labor.

30
31 20-22-1011. Fire drills.

32 It shall be the duty of the State Fire Marshal, or his or her designee,
33 to require teachers of public and private schools and all educational
34 institutions to have one (1) fire drill each month and to keep all doors and
35 exits unlocked during school hours.

36

B.12. Act No. 850, § 1, omits “open-enrollment public charter school” from § 6-17-2403(e)(2) and the introductory language of (f)(2).

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1795

By: Representative G. Hodges

For An Act To Be Entitled

AN ACT TO AMEND THE MINIMUM TEACHER COMPENSATION
SCHEDULE UNDER THE PUBLIC SCHOOL FUNDING ACT OF 2003
TO INCLUDE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE MINIMUM TEACHER COMPENSATION
SCHEDULE UNDER THE PUBLIC SCHOOL FUNDING
ACT OF 2003 TO INCLUDE OPEN-ENROLLMENT
PUBLIC CHARTER SCHOOLS.

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

SECTION 1. Arkansas Code § 6-17-2403 is amended to read as follows:
6-17-2403. Minimum teacher compensation schedule – Definition.

(a)(1) The board of directors in each public school district and open-enrollment public charter school in the state shall pay classroom teachers a minimum base salary of fifty thousand dollars (\$50,000).

(2) To be eligible for funds to implement the minimum base salary under this section, a each public school district and open-enrollment public charter school shall:

(A) Revise each teacher contract or employment agreement by the 2023-2024 school year to require that each teacher in the public school district or open-enrollment public charter school is employed at least one hundred ninety (190) school days each year;

(B)(i) Not adopt a personnel policy or incorporate terms into a personnel contract that provide more rights to personnel than those



provided under state law in effect during the term of the personnel contract.

(ii) This subdivision (a)(2)(B) shall not be interpreted as:

(a) Denying personnel rights provided by other laws, including without limitation due process; or

(b) Prohibiting a public school district board of directors or open-enrollment public charter school governing body from specifying in its policy the timelines and processes for providing notice and an opportunity for a hearing as provided under § 6-13-636(d);

(C) Not have a waiver of teacher salary requirements; and

(D) Adopt an employee salary schedule.

(b)(1) For the 2023-2024 school year, each teacher shall be paid a salary that is at least two thousand dollars (\$2,000) greater than his or her current salary as of September 1, 2022.

(2) To be eligible for funds to implement the increase under subdivision (b)(1) of this section, a each public school district and open-enrollment public charter school shall:

(A) Revise each teacher contract or employment agreement by the 2023-2024 school year to require that each teacher in the public school district or open-enrollment public charter school is employed at least one hundred ninety (190) school days each year;

(B)(i) Not adopt a personnel policy or incorporate terms into a personnel contract that provide more rights to personnel than those provided under state law in effect during the term of the personnel contract.

(ii) This subdivision (b)(2)(B) shall not be interpreted as denying personnel rights provided by other laws, including without limitation due process; and

(C) Not have a waiver of teacher salary requirements.

(c) To be eligible for funds to implement the salary increases under subsections (a) and (b) of this section, a each public school district and open-enrollment public charter school shall be open for on-site, in-person instruction for at least:

(1) One hundred seventy-eight (178) days; or

(2) One thousand sixty-eight (1,068) hours.

(d) For purposes of the salary requirements described in this section, a "teacher" means an individual employed by a public school or an open-

1 enrollment public charter school in the State of Arkansas in a full-time
2 position that requires a valid Arkansas teaching license, including without
3 limitation a principal or assistant principal, unless the public school or
4 open-enrollment public charter school has been issued a waiver by the State
5 Board of Education.

6 (e)(1) The minimum teacher compensation requirements under this
7 section do not apply to a part-time teacher or part-time paraprofessional
8 employed by a public school district or an open-enrollment public charter
9 school to work in an adult education program.

10 (2) The minimum teacher compensation schedule for a part-time
11 teacher or part-time paraprofessional employed by a public school district to
12 work in an adult education program shall be established by the Adult
13 Education Section and approved by the Director of the Division of Workforce
14 Services.

15 (f)(1) The funds allocated by the General Assembly for additional
16 teacher compensation under this section shall only be used for teacher
17 salaries.

18 (2) To qualify for funding appropriated under this section,
19 public school districts shall:

20 (A)(i) Utilize an amount of state funds equal to eighty
21 percent (80%) or more of the amount allocated for school-level personnel
22 salaries, according to the adequacy funding matrix recommended by the Senate
23 Committee on Education and the House Committee on Education for the previous
24 school year, for teacher salaries and teacher raises.

25 (ii) If meeting the requirement under subdivision
26 (f)(2)(A)(i) of this section would impact student safety or potentially cause
27 a public school district to go into fiscal distress under the Arkansas Fiscal
28 Assessment and Accountability Program, § 6-20-1901 et seq., the public school
29 district may apply to the State Board of Education for a waiver from this
30 requirement.

31 (iii) If meeting the requirement under subdivision
32 (f)(2)(A)(i) of this section would negatively impact student safety or the
33 fiscal stability or educational programs offered by an open-enrollment public
34 charter school, the open-enrollment public charter school may apply to the
35 charter authorizing panel for a waiver from this requirement; and

36 (B)(i) Certify with the Division of Elementary and

D.1. Act No. 350 amends §§ 7-5-601, 7-5-602, 7-5-603, and 7-5-701 and Act No. 743 amends §§ 7-5-601, 7-5-602, and 7-5-603.

1 State of Arkansas

As Engrossed: S2/27/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 250

4
5 By: Senators K. Hammer, Dees, J. English, B. Johnson, M. Johnson, M. McKee, J. Petty, Stone

6 By: Representatives Long, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux,

7 Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Crawford, Evans, C. Fite, L. Fite,

8 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, D. Hodges, Hollowell, Jean, Ladyman,

9 Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S.

10 Meeks, Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond,

11 Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten

For An Act To Be Entitled

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13
14 AN ACT TO AMEND THE LAW CONCERNING PAPER BALLOTS; TO
15 AMEND THE LAW CONCERNING MARKING AND COUNTING PAPER
16 BALLOTS; TO AMEND THE LAW CONCERNING THE DECLARATION
17 OF ELECTION RESULTS; TO DECLARE AN EMERGENCY; AND FOR
18 OTHER PURPOSES.

Subtitle

19
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22 TO AMEND THE LAW CONCERNING PAPER
23 BALLOTS; TO AMEND THE LAW CONCERNING
24 MARKING AND COUNTING PAPER BALLOTS; TO
25 AMEND THE LAW CONCERNING THE DECLARATION
26 OF ELECTION RESULTS; AND TO DECLARE AN
27 EMERGENCY.

28
29
30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

31
32 SECTION 1. Arkansas Code § 7-5-601, concerning paper ballots, is
33 amended to add additional subsections to read as follows:

34 (f) Each paper ballot shall be compatible with the electronic vote
35 tabulation devices selection by the Secretary of State under § 7-5-301.

36 (g) A county that chooses to use paper ballots in place of approved



1 voting machines shall be responsible for the cost of the paper ballots and
2 any devices or machines required for the printing and tabulation of paper
3 ballots under this subchapter.

4 (h) The county board of election commissioners of any county that
5 chooses to use paper ballots instead of approved voting machines shall be
6 responsible for compliance with § 7-5-311 and with Pub. L. No. 98-435, the
7 Americans with Disabilities Act, Title II of Pub. L. No. 101-336, and the
8 Help America Vote Act of 2002, Pub. L. No. 107-252 regarding the
9 accessibility of voting locations for voters with disabilities.

10
11 SECTION 2. Arkansas Code § 7-5-602(b) and (c), concerning ballots,
12 number of ballots, marking devices, spoiled ballots, and official ballots,
13 are amended to read as follows:

14 (b) A ballot shall not be received or counted in any election to which
15 this subchapter applies unless it is approved and provided by the county
16 board of election commissioners under this section.

17 (c) At all elections in counties that use paper ballots and in which
18 those ballots are counted by hand, the ballots shall:

19 (1) First be marked using permanent ink; and

20 (2) Be run through an electronic vote tabulation device before a
21 hand count is conducted.

22
23 SECTION 3. Arkansas Code § 7-5-603(1)(A), concerning counting paper
24 ballots at the polling site, is amended to read as follows:

25 (1)(A) In counting the ballots, the ballot box shall be opened
26 and each ballot shall be counted in turn or by counting by offices and issues
27 by first being run through a tabulation device before any hand count is
28 conducted.

29
30 SECTION 4. Arkansas Code § 7-5-603(3), concerning counting paper
31 ballots at the polling site, is amended to read as follows:

32 (3)(A) Upon the close of the polls, the poll workers immediately
33 shall certify and attest the list of voters and continue the count to
34 completion, within twenty-four (24) hours of the close of the polls, and with
35 no significant breaks in the counting process.

36 (B)(1) If a poll worker becomes sick or incapacitated from

1 any other cause, the remaining poll workers shall continue the count until it
2 is completed.

3 (2) The county board of election commissioners shall
4 ensure there is more than one (1) poll worker available to continue the
5 count.

6
7 SECTION 5. Arkansas Code § 7-5-701(a)(3)(A), concerning the
8 declaration of results, and certification, delivery, and custody of returns,
9 is amended to read as follows:

10 (3)(A) As results are received and tabulated on election night
11 for all state and federal elections, the county board of election
12 commissioners shall declare preliminary and unofficial results of the
13 election as soon as early voting, absentee, or individual precinct results
14 are tabulated but no later than twenty-four (24) hours after polls close on
15 election night and immediately shall transmit the results by precinct to the
16 Secretary of State through the election night reporting interface provided by
17 the Secretary of State.

18
19 SECTION 6. Arkansas Code § 7-5-701(a)(3)(C), concerning the
20 declaration of results, and certification, delivery, and custody of returns,
21 is amended to read as follows:

22 (C) On election night for all state and federal elections,
23 immediately after the count of the vote is complete but no later than twenty-
24 four (24) hours after polls close on election night, the county board of
25 election commissioners shall:

26 (i) Declare preliminary and unofficial results of
27 the election, including a statement of the number of outstanding:

28 (a) Ballots of voters who requested ballots
29 under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §
30 20301 et seq.; and

31 (b) Provisional ballots; and

32 (ii) Immediately transmit the results by precinct to
33 the Secretary of State through the election night reporting interface
34 provided by the Secretary of State.

35
36 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly of the State of Arkansas that sufficient laws to ensure the
2 integrity of paper ballot elections do not currently exist; that this act is
3 immediately necessary to establish adequate guidelines and requirements to
4 ensure that elections conducted by paper ballot are safe and secure and to
5 fortify the integrity of each and every election conducted within the State
6 of Arkansas; that adequate guidelines are required to ensure elections
7 conducted by paper ballots accommodate disabled Arkansas citizens and are in
8 compliance with the Americans with Disabilities Act; and that the
9 preservation of safe and secure elections is necessary to preserve the public
10 peace, health and safety. Therefore, an emergency is declared to exist, and
11 this act being immediately necessary to preserve the public peace, health and
12 safety shall become effective on:

13 (1) The date of its approval by the Governor;

14 (2) If the bill is neither approved nor vetoed by the Governor,
15 the expiration of the period of time during which the Governor may veto the
16 bill; or

17 (3) If the bill is vetoed by the Governor and the veto is
18 overridden, the date the last house overrides the veto.

19
20 */s/K. Hammer*

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23 **APPROVED: 3/21/23**
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1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

As Engrossed: H4/4/23

A Bill

HOUSE BILL 1687

4
5 By: Representatives Long, *Wing*
6 By: Senator K. Hammer
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING PAPER BALLOTS; TO AMEND THE LAW
10 CONCERNING PAPER BALLOTS AND THE MARKING AND COUNTING
11 OF PAPER BALLOTS; TO AMEND THE LAW CONCERNING THE
12 DECLARATION OF ELECTION RESULTS; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.
14
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Subtitle

16
17 CONCERNING PAPER BALLOTS; TO AMEND THE
18 LAW CONCERNING PAPER BALLOTS AND THE
19 MARKING AND COUNTING OF PAPER BALLOTS; TO
20 AMEND THE LAW CONCERNING THE DECLARATION
21 OF ELECTION RESULTS; AND TO DECLARE AN
22 EMERGENCY.
23
24

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

27 SECTION 1. Arkansas Code § 7-5-601, concerning paper ballots, is
28 amended to add additional subsections to read as follows:

29 (f) Each paper ballot shall be compatible with the electronic vote
30 tabulation devices selected by the Secretary of State under § 7-5-301.

31 (g)(1) A county that chooses to use a hand count of paper ballots in
32 place of approved voting machines shall be responsible for:

33 (A) The cost of the hand-counted paper ballots and any
34 devices or machines required for the printing of the hand-counted paper
35 ballots under this subchapter; and

36 (B) The labor costs associated with the performance of the



1 hand count of paper ballots.

2 (2) A county that chooses to hand-count paper ballots shall be
3 eligible to receive the amount of reimbursement as if the county performed a
4 machine tabulation of the votes.

5 (h) The county board of election commissioners of any county that
6 chooses to use hand count paper ballots instead of approved voting machines
7 shall be responsible for compliance with § 7-5-311 and with the Equal Access
8 to Voting Rights Act, Pub. L. No. 98-435, the Americans with Disabilities
9 Act, Title II of Pub. L. No. 101-336, and the Help America Vote Act of 2002,
10 Pub. L. No. 107-252 regarding the accessibility of voting locations for
11 voters with disabilities.

12 (i) Each paper ballot to be hand counted shall contain a watermark on
13 the ballot with a unique placement of the watermark for each election cycle.

14
15 SECTION 2. Arkansas Code § 7-5-602(b) and (c), concerning ballots,
16 number of ballots, marking devices, spoiled ballots, and official ballots,
17 are amended to read as follows:

18 (b) A ballot shall not be received or counted in any election to which
19 this subchapter applies unless it is approved and provided by the county
20 board of election commissioners under this section.

21 (c) At all elections in counties that use paper ballots and in which
22 those ballots are counted by hand, the ballots shall:

23 (1) First be marked using permanent ink; and

24 (2)(A) Be run through an electronic vote tabulation device
25 before a hand count is conducted.

26 (B)(i) The requirement under subdivision (c)(2)(A) of this
27 section shall apply in all general elections and preferential primary
28 elections.

29 (ii) The requirement under (c)(2)(A) of this section
30 is optional if an election:

31 (a) Is an election other than the general
32 election or the preferential primary election; and

33 (b) Involves fewer than five thousand (5,000)
34 registered voters.

35
36 SECTION 3. Arkansas Code § 7-5-603 is amended to read as follows:

1 7-5-603. Counting paper ballots ~~at the polling site.~~

2 When paper ballots are to be counted ~~at the polling site,~~ the following
3 procedures shall be followed:

4 (1)(A) In counting the paper ballots, the ballot box shall be
5 opened and each paper ballot shall be counted in turn or by counting by
6 offices and issues by first being run through a tabulation device before any
7 hand count is conducted.

8 (B) The poll workers shall witness the counting of the
9 paper ballots and shall keep separate tally lists of the votes cast for each
10 candidate or issue on the paper ballot by precinct.

11 (C) The tabulated results shall be posted at each polling
12 site prior to the completion of the hand count of the paper ballots;

13 (2)(A) After being run through a tabulation device, the paper
14 ballots shall be placed in a sealed double-locking hard shell ballot box for
15 transport to the designated hand count location and the seal initialed by a
16 minimum of two (2) election officials.

17 (B) Each county board of election commissioners shall
18 designate the hand count location thirty (30) days before an election.

19 (C) A minimum of two (2) election officials shall
20 transport the paper ballots to the hand count location.

21 (D) All ballots from voting machines used for compliance
22 with the Equal Access to Voting Rights Act, Pub. L. No. 98-435, the Americans
23 with Disabilities Act, Title II of Pub. L. No. 101-336, and the Help America
24 Vote Act of 2002, Pub. L. No. 107-252 shall be counted with the hand-counted
25 paper ballots.

26 (E) All paper ballots shall be stored in a secure location
27 approved by the county board of election commissioners when not in use by a
28 poll worker performing the hand count of the paper ballots;

29 (3)(A) When two (2) or more paper ballots are found folded
30 together, it shall be considered as conclusive evidence the paper ballots are
31 fraudulent and neither of the paper ballots shall be counted.

32 (B) If a paper ballot is found to contain marks for more
33 than the maximum allowable number of candidates in any one (1) contest, the
34 contest shall be considered overvoted, and it shall be the responsibility of
35 the poll workers county board of election commissioners to determine the
36 voter's intent;

1 ~~(3)(A)(4)(A)~~ Upon the close of the polls, the poll workers
2 immediately shall certify and attest the list of voters and continue the
3 count to completion.

4 (B)(i) A hand count of paper ballots shall be completed a
5 minimum of twenty-four (24) hours before the certification deadline.

6 (ii) If the hand count of paper ballots is not
7 completed a minimum of twenty-four (24) hours before the certification
8 deadline, the machine tabulated results under subdivision (1) of this section
9 shall be the certified results of the election.

10 (C)(i) If a poll worker becomes sick or incapacitated from
11 any other cause, the remaining poll workers shall continue the count until it
12 is completed.

13 (ii) The county board of election commissioners
14 shall ensure there is a minimum of four (4) poll workers available to
15 continue the count.

16 (D) All hand-count paper ballot totals shall be recorded
17 by race in each precinct, and posted at the designated hand-count location
18 upon the completion of the hand count of the paper ballots;

19 (5) A minimum of two (2) poll workers are required to verify the
20 vote on each hand-counted paper ballot;

21 ~~(4)(6)~~ After the count is completed, the poll workers shall make
22 out the certificates of election in triplicate and immediately post one (1)
23 copy outside the polling site; and

24 ~~(5)(A)(7)(A)(i)~~ The counting of paper ballots shall be open to
25 the public.

26 (ii) the public shall maintain a minimum distance of
27 three (3) feet from the poll workers counting the paper ballots.

28 (iii) If sufficient room to maintain a minimum
29 distance of three (3) feet from the poll workers counting the paper ballots
30 may not be achieved, the candidate, the candidate's designated or authorized
31 representative, and designated or authorized representatives of the political
32 parties shall be given priority viewing by the county board of election
33 commissioners.

34 (B) Any candidate or political party may be present in
35 person or by representative designated in writing under § 7-5-312 at the
36 count of the paper ballots in any election for the purpose of determining

1 whether or not the paper ballots in any election precinct are fairly and
2 accurately counted.

3 (C) The candidate in person or an authorized
4 representative of the candidate or political party shall be permitted, upon a
5 request's being made to a poll worker, to inspect any or all paper ballots
6 after the paper ballots have been counted.

7
8 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly of the State of Arkansas that sufficient laws to ensure the
10 integrity of paper ballot elections do not currently exist; that this act is
11 immediately necessary to establish adequate guidelines and requirements to
12 ensure that elections conducted by paper ballot are safe and secure and to
13 fortify the integrity of each and every election conducted within the State
14 of Arkansas; that adequate guidelines are required to ensure elections
15 conducted by paper ballots accommodate disabled Arkansas citizens and are in
16 compliance with the Americans with Disabilities Act; and that the
17 preservation of safe and secure elections is necessary to preserve the public
18 peace, health and safety. Therefore, an emergency is declared to exist, and
19 this act being immediately necessary to preserve the public peace, health and
20 safety shall become effective on:

21 (1) The date of its approval by the Governor;

22 (2) If the bill is neither approved nor vetoed by the Governor,
23 the expiration of the period of time during which the Governor may veto the
24 bill; or

25 (3) If the bill is vetoed by the Governor and the veto is
26 overridden, the date the last house overrides the veto.

27
28 /s/Long

29
30
31 APPROVED: 4/12/23

D.2. Act No. 444, § 6, amends § 7-5-615(d) and Act No. 460, § 1, amends § 7-5-615(d).

State of Arkansas *As Engrossed: H2/28/23 H3/9/23*
94th General Assembly **A Bill**
Regular Session, 2023

HOUSE BILL 1457

By: Representatives Furman, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry, Breaux,
Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite, Fortner,
Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long, Lundstrum, Lynch,
McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks, Miller,
Milligan, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh, Underwood,
Vaught, Womack, Wooten
By: Senators K. Hammer, Dees, M. McKee, J. Petty, Stone

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS POLL WATCHERS BILL
OF RIGHTS ACT OF 2023; TO AMEND THE LAW CONCERNING
POLL WATCHERS; TO AMEND THE LAW CONCERNING ELECTION
PROCEDURES; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE ARKANSAS POLL WATCHERS
BILL OF RIGHTS ACT OF 2023; TO AMEND THE
LAW CONCERNING POLL WATCHERS; AND TO
AMEND THE LAW CONCERNING ELECTION
PROCEDURES.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Arkansas Poll Watchers
Bill Of Rights Act Of 2023".

SECTION 2. Arkansas Code § 7-4-101(f), concerning the duties of the
State Board of Election Commissioners, is amended to add an additional
subdivision to read as follows:



1 (17) Develop a training program for poll watchers, including
2 without limitation:

3 (A) Develop training materials, including on-line training
4 materials concerning the duties, rights, and responsibilities of poll
5 watchers; and

6 (B) Adopt and promulgate rules to establish procedures for
7 training poll watchers.

8
9 SECTION 3. Arkansas Code § 7-5-312 is amended to read as follows:

10 7-5-312. ~~Challenge of voter's ballot by poll~~ Poll watchers,
11 candidates, or designees – Rights – Challenge of a voter's ballot.

12 (a) Poll watchers shall include any:

13 (1) Candidate in person, but only during the counting and
14 tabulation of ballots and the processing of absentee ballots;

15 (2) Authorized representative of a candidate;

16 (3) Authorized representative of a group seeking the passage or
17 defeat of a measure on the ballot; and

18 (4) Authorized representative of a county or state political
19 party with a candidate on the ballot or seeking the passage or defeat of a
20 measure on the ballot.

21 (b) A poll watcher shall:

22 (1)(A) Be a qualified elector of the state.

23 (B) A poll watcher is not required to be a qualified
24 elector of the election precinct they are observing; and

25 (2) Complete a training course approved and administered by the
26 State Board of Election Commissioners.

27 (c)(1) The county board of election commissioners shall designate
28 observation areas for poll watchers at each location where ballots are cast,
29 including without limitation a:

30 (A) Courthouse;

31 (B) Early voting site;

32 (C) Vote center; or

33 (D) Polling location.

34 (2) An observation area required under subdivision (c)(1) of
35 this section shall be not fewer than three feet (3') and no more than six
36 feet (6') from the:

1 (3) The poll watcher shall complete a challenged ballot form.

2 (4) The election official shall inform the voter that his or her
3 ballot is being challenged.

4 (5) The procedures for casting a provisional ballot under § 7-5-
5 308 shall be followed.

6 (q) As used in this section, "group seeking the passage or defeat of a
7 measure on the ballot" means a group that is registered or files reports with
8 the Secretary of State under § 7-6-201 et seq.

9

10 SECTION 4. Arkansas Code § 7-5-413(a)(2), concerning voting machines
11 and related duties, is amended to read as follows:

12 (2) Those persons entitled under the law to vote early by personal
13 appearance shall cast their votes on voting systems under the laws applicable
14 to early voting, and the clerk or election official shall enter the name of
15 each voter on a list at the time he or she votes in the presence of an
16 authorized poll watcher, if any.

17

18 SECTION 5. Arkansas Code § 7-5-413(c)(1), concerning voting machines
19 and related duties, is amended to read as follows:

20 (c)(1)(A) At the time designated in the notice of election, a
21 set of election officials for the machines used for early voting shall
22 canvass the vote in the manner provided for regular polling sites in the
23 presence of an authorized poll watcher, if any.

24 (B) After the canvass has been made, the machines shall be
25 secured and shall remain inaccessible to voting in the presence of an
26 authorized poll watcher, if any.

27

28 SECTION 6. Arkansas Code § 7-5-615(d), concerning the tabulation of
29 votes, defective ballots, and certification of returns, is amended to read as
30 follows:

31 (d)(1) If any ballot is damaged or defective so that it cannot
32 properly be counted by the electronic vote tabulating device, a true
33 duplicate copy shall be made of the damaged ballot in the presence of
34 tabulation election officials and designated poll watchers, if any, if the
35 votes are tabulated at a central location.

36 (2) The duplicate shall be substituted for the damaged ballot.

1 (3) All duplicate ballots shall be clearly labeled "duplicate"
2 and shall be counted in lieu of the damaged or defective ballot.

3 (4) An election official under subdivision (d)(1) of this
4 section shall maintain a recorded count of damaged ballots to be duplicated
5 in the presence of authorized poll watchers, if any, and provide the report
6 to the county board of election commissioners.

7
8 SECTION 7. DO NOT CODIFY. Rules.

9 No later than January 1, 2024, the State Board of Election
10 Commissioners shall:

11 (1) Develop all training materials for poll watchers;

12 (2) Develop rules that establish:

13 (A) The procedure to record completion of the training
14 program by a poll watcher;

15 (B) How the training program will be promoted by the State
16 Board of Election Commissioners; and

17 (C) An appeal process if a certification of completion of
18 the training program is not granted to a poll watcher.

19
20 /s/Furman

21
22
23 APPROVED: 4/4/23

1 State of Arkansas

As Engrossed: S3/7/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 253

4
5 By: Senators Crowell, K. Hammer, Dees, M. McKee, J. Petty, Stone

6 By: Representatives Pilkington, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,

7 Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite,

8 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long,

9 Lundstrum, Lynch, McAlindon, McClure, McCollum, M. McElroy, McGrew, B. McKenzie, McNair, S.

10 Meeks, Miller, Milligan, K. Moore, Painter, Pearce, Puryear, R. Scott Richardson, Richmond, Rose, Rye,

11 Schulz, Steimel, Tosh, Underwood, Vaught, Womack, Wooldridge, Wooten

For An Act To Be Entitled

12
13
14 AN ACT TO AMEND THE LAW CONCERNING DAMAGED BALLOTS;

15 TO AMEND THE LAW CONCERNING ELECTION PROCEDURES; AND

16 FOR OTHER PURPOSES.

Subtitle

17
18
19
20 TO AMEND THE LAW CONCERNING DAMAGED

21 BALLOTS; AND TO AMEND THE LAW CONCERNING

22 ELECTION PROCEDURES.

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 **SECTION 1.** Arkansas Code § 7-5-615(d) and (e), concerning the
28 tabulations of votes, defective ballots, and the certification of returns,
29 are amended to read as follows:

30 (d)(1) If any ballot is damaged or defective so that it cannot
31 properly be counted by the electronic vote tabulating device, a true
32 duplicate copy shall be made of the damaged ballot ~~in the presence of~~
33 ~~tabulation election officials if the votes are tabulated at a central~~
34 ~~location. The duplicate shall be substituted for the damaged ballot. All~~
35 ~~duplicate ballots shall be clearly labeled "duplicate" and shall be counted~~
36 ~~in lieu of the damaged or defective ballot.~~



(2) When duplicating a ballot, and in the presence of another election official, an election official shall:

(A) Reproduce the selections of the voter on a second ballot that is the same ballot style as the ballot cast by the voter;

(B) Stamp or write the word "duplicate" on the duplicated
ballot;

(C) Stamp or write the word "original" on the original
damaged or defective ballot;

(D) Label both the original damaged or defective ballot and the duplicate ballot with the same unique serial number;

(E) Substitute the duplicated ballot for the original
damaged or defective ballot;

(F) Count the duplicated ballots in the same manner as
other ballots in that election; and

(G) Secure and separately store the original damaged or defective ballots in the same manner as other ballots in that election.

(3) The duplication of a damaged or defective ballot counted at the central counting facility shall be conducted by an election official at the same time and location that ballots with no defects are counted.

(4) The duplication of a damaged or defective ballot cast at a polling site shall be delivered securely to the county board of election commissioners to be duplicated by election officials or added to the precinct's count manually on the night of the election.

(e) The return printed by the electronic vote tabulating device, to which ~~has been added~~ the return of write-in, early, and absentee votes have been added, shall constitute the official return of each polling site. All returns shall be certified by the election officials in charge of the tabulation thereof in the manner provided by law.

/s/Crowell

APPROVED: 4/4/23

Proposed Reconciliation of Act No. 444 and Act No. 460 from the State Board of Election Commissioners

7-5-615(d) – Based on Act No. 460 – Language in red and underlined is from Act No. 444

(d)(1) If any ballot is damaged or defective so that it cannot properly be counted by the electronic vote tabulating device, a true duplicate copy shall be made of the damaged ballot.

(2) When duplicating a ballot, and in the presence of another election official and designated poll watchers, if any, an election official shall:

(A) Reproduce the selections of the voter on a second ballot that is the same ballot style as the ballot cast by the voter;

(B) Stamp or write the word “duplicate” on the duplicated ballot;

(C) Stamp or write the word “original” on the original damaged or defective ballot;

(D) Label both the original damaged or defective ballot and the duplicate ballot with the same unique serial number;

(E) Substitute the duplicated ballot for the original damaged or defective ballot;

(F) Count the duplicated ballots in the same manner as other ballots in that election;

and

(G) Secure and separately store the original damaged or defective ballots in the same manner as other ballots in that election.

(3) The duplication of a damaged or defective ballot counted at the central counting facility shall be conducted by an election official at the same time and location that ballots with no defects are counted.

(4) The duplication of a damaged or defective ballot cast at a polling site shall be delivered securely to the county board of election commissioners to be duplicated by election officials or added to the precinct’s count manually on the night of the election.

(5) An election official under subdivision (d)(2) of this section shall maintain a recorded count of damaged ballots to be duplicated in the presence of authorized poll watchers, if any, and provide the report to the county board of election commissioners.