

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

1 State of Arkansas *As Engrossed: H3/15/17 H3/23/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 2137

4

5 By: Representatives V. Flowers, C. Douglas, Drown, K. Ferguson, Gonzales, Sabin

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## For An Act To Be Entitled

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AN ACT TO CREATE THE VOTER PROTECTION ACT OF 2017; TO

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AMEND THE LAW CONCERNING ELECTIONS AND VOTING; AND

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FOR OTHER PURPOSES.

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## Subtitle

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TO CREATE THE VOTER PROTECTION ACT OF

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2017; AND TO AMEND THE LAW CONCERNING

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ELECTIONS AND VOTING.

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

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21 *SECTION 1. Arkansas Code § 7-1-103(a)(4), concerning miscellaneous*  
22 *misdeemeanor offenses, is repealed.*

23 ~~*(4) It shall be unlawful for any person to assess any public*~~  
24 ~~*employee, as defined in § 21-8-402, for any political purpose whatever or to*~~  
25 ~~*coerce, by threats or otherwise, any public employee into making a*~~  
26 ~~*subscription or contribution for any political purpose;*~~

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28 *SECTION 2. Arkansas Code § 7-1-104(a)(5) and (6), concerning*  
29 *miscellaneous felonies, are repealed.*

30 ~~*(5) It shall be unlawful for any person to make any threat or*~~  
31 ~~*attempt to intimidate any elector or the family, business, or profession of*~~  
32 ~~*the elector;*~~

33 ~~*(6) It shall be unlawful for any person to interfere with or to*~~  
34 ~~*prevent any qualified elector from voting at any election or to attempt to*~~  
35 ~~*interfere with or to prevent any qualified elector from voting at any*~~  
36 ~~*election, provided that this subdivision (a)(6) shall not prohibit good faith*~~



1 ~~challenges of ballots or voters according to law by candidates, authorized~~  
2 ~~representatives of candidates, political parties, or ballot issues;~~

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4 SECTION 3. Arkansas Code Title 7, Chapter 1, Subchapter 1, is amended  
5 to add an additional section to read as follows:

6 7-1-115. Voter intimidation offenses.

7 (a) It shall be unlawful for any person to recklessly:

8 (1) Make any threat or attempt to intimidate any elector or the  
9 family, business, or profession of the elector;

10 (2) Interfere with or to prevent any qualified elector from  
11 voting at any election or to attempt to interfere with or to prevent any  
12 qualified elector from voting at any election, provided that this subdivision  
13 (a)(2) shall not prohibit good faith challenges of ballots or voters  
14 according to law by candidates, authorized representatives of candidates,  
15 political parties, or ballot issues;

16 (3) Assess any public employee, as defined in § 21-8-402, for  
17 any political purpose whatsoever or to coerce, by threats or otherwise, any  
18 public employee into making a subscription or contribution for any political  
19 purpose; or

20 (4) Interfere, prevent, or obstruct the assistance provided to a  
21 voter who requires assistance to vote by reason of blindness, disability, or  
22 inability to read.

23 (b)(1) A person convicted of an offense described under this section  
24 shall be guilty of a Class D felony.

25 (2)(A) A person convicted of a felony under this section shall  
26 be barred from holding public office or employment in any of the departments  
27 of the state from the date of his or her conviction.

28 (B)(i) If the person is employed by any of the departments  
29 of this state at the time of his or her conviction, he or she shall be  
30 removed from employment immediately.

31 (ii) If any person is convicted under the provisions  
32 of this section while holding public office, the conviction shall be deemed a  
33 misfeasance and malfeasance in office and shall subject the person to  
34 impeachment.

35 (c) A county clerk or county board of election commissioners shall  
36 promptly notify the local prosecuting attorney and the State Board of

1 Election Commissioners of an offense described under this section.

2 (d) A person who is intimidated because of his or her race, ethnicity,  
3 or religion may pursue a private cause of action against the:

4 (1) Local election official who committed the voter intimidation  
5 offense; and

6 (2) Person who committed the voter intimidation offense.

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8 /s/V. Flowers

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