

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H4/1/19

A Bill

SENATE BILL 524

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

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ELECTRONIC VOTING
10 EQUIPMENT; TO AUTHORIZE THE STATE BOARD OF ELECTION
11 COMMISSIONERS TO PERFORM POST ELECTION AUDITS OF
12 VOTES TABULATED ELECTRONICALLY; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 TO AMEND THE LAW CONCERNING ELECTRONIC
17 VOTING EQUIPMENT; AND TO AUTHORIZE THE
18 STATE BOARD OF ELECTION COMMISSIONERS TO
19 PERFORM POST ELECTION AUDITS OF VOTES
20 TABULATED ELECTRONICALLY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 7-4-101(f), concerning powers and duties of
27 the State Board of Election Commissioners, is amended to add additional
28 subsections to read as follows:

29 (12) Conduct post-election audits under § 7-4-121; and
30 (13) Formulate, adopt, and promulgate rules to establish
31 procedures for post-election audits conducted under § 7-4-121.
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33 SECTION 2. Arkansas Code Title 7, Chapter 4, Subchapter 1, is amended
34 to add an additional section to read as follows:

35 7-4-121. Election audits.

36 (a)(1) The State Board of Election Commissioners shall audit the



1 results of each general election to ensure the integrity and accuracy of the
2 voting process.

3 (2) When conducting a post-election audit of the election
4 results the State Board of Election Commissioners shall:

5 (A) Select by lot the counties, polling sites, early voting
6 locations, and vote centers to be audited;

7 (B) Select a sufficient number of early voting locations,
8 polling sites, and vote centers to obtain a meaningful sample;

9 (C) Select the counties to be audited no less than sixty
10 (60) days following the date of the general election;

11 (D) Conduct the audit by using the voter verified paper
12 audit trail;

13 (E)(i) Compile a report detailing the findings of this
14 audit.

15 (ii) The report filed under this subdivision

16 (a)(2)(E):

17 (a) Is not a recount;

18 (b) Has no legal effect on the outcome of any
19 election subject to the audit; and

20 (c) Shall be made public and disseminated to
21 any person upon request; and

22 (F) Securely maintain any county election records obtained
23 for the purpose of conducting an audit.

24 (3) The Secretary of State may, at his or her discretion, provide
25 additional staff to assist in conducting any audit under this subsection.

26 (b)(1) The county clerk, county board or election commissioners, or
27 other county election official for a county that is audited under this
28 section shall provide documents, records, or access to election equipment
29 requested by the State Board of Election Commissioners to the State Board of
30 Election Commissioners upon request.

31 (2) If the county clerk, county board of election commissioners,
32 or other county election official of the county willfully fails to comply
33 with a request made under subdivision (b)(1) of this section, and the State
34 Board of Election Commissioners is not able to obtain the requested
35 information through other means, the State Board of Election Commissioners
36 may:

1 (A) Find that the county in violation of subdivision
2 (b)(1) of this section has forfeited reimbursement of state funded election
3 expenses for a period of up to two (2) years; and

4 (B) Elect to withhold reimbursement of state funded
5 election expenses to the county for a period of up to two (2) years.

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7 SECTION 3. Arkansas Code § 7-5-702(a), concerning preservation of
8 ballots, stubs, certificates, and other election materials, is amended to add
9 an additional subdivision to read as follows:

10 (3) The results of the election will be audited by the State Board of
11 Election Commissioners under § 7-4-121.

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13 SECTION 4. Arkansas Code § 7-5-702(c) and (d), concerning preservation
14 of ballots, stubs, certificates, and other election materials, are amended to
15 read as follows:

16 (c) During the time the ballots may be retained or stored, the package
17 containing them shall not be opened by anyone unless ~~directed~~:

18 (1) Directed to do so by some competent tribunal before which an
19 election contest or prosecution is pending in which the ballots are to be
20 used as evidence; or

21 (2) Upon written instruction signed by the Director of the State
22 Board of Election Commissioners under § 7-4-121.

23 (d) For twenty (20) days, the county ~~treasurer~~ board of election
24 commissioners shall retain the custody of ballot stubs in an appropriately
25 marked, sealed container delivered to ~~him or her~~ the county board of election
26 commissioners from the several precincts, after which time they shall be
27 stored in a secure location in the county courthouse or other county storage
28 facility unless ~~an~~:

29 (1) An election contest has been filed ~~or a~~;

30 (2) A criminal prosecution has been initiated in connection with
31 the election; or

32 (3) Upon written instruction signed by the Director of the State
33 Board of Election Commissioners under § 7-4-121.

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35 SECTION 5. TEMPORARY LANGUAGE. DO NOT CODIFY. Application.

36 (a)(1) The State Board of Election Commissioners shall conduct the

1 initial audit of the results of the general election under this act after the
2 2020 general election as a pilot program.

3 (2) For each election system utilizing a ballot marking device
4 and tabulator in operation for the 2020 election, the State Board of Election
5 Commissioners shall:

6 (A) Conduct an audit of at least one (1) county with a
7 population of more than one hundred thousand (100,000) people;

8 (B) Conduct an audit of at least four (4) counties with a
9 population of less than one hundred thousand (100,000) people; and

10 (C) Conduct the audits in a manner that effectuates at
11 least one (1) audit from a county in each of the congressional districts of
12 this state.

13 (b) The State Board of Election Commissioners shall develop a
14 comprehensive plan to audit the state's election equipment based on the
15 experience gained through this pilot program.

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18 */s/B. Ballinger*
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