

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

# A Bill

HOUSE BILL 1513

4  
5 By: Representatives McCollum, Wing, Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, M. Berry,  
6 Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, C. Cooper, Cozart, Evans, C. Fite, L. Fite,  
7 Fortner, Furman, Gazaway, Gonzales, Gramlich, Haak, Hawk, Hollowell, Jean, Ladyman, Long,  
8 Lundstrum, Lynch, McAlindon, McClure, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,  
9 Miller, Milligan, K. Moore, Painter, Pearce, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose,  
10 Rye, Schulz, Steimel, Tosh, Underwood, Unger, Vaught, Womack, Wooldridge, Wooten  
11 By: Senators J. Petty, K. Hammer, Dees, M. McKee, Stone

## For An Act To Be Entitled

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13  
14 AN ACT TO CREATE THE ELECTION INTEGRITY UNIT WITHIN  
15 THE ATTORNEY GENERAL'S OFFICE; TO AMEND THE DUTIES OF  
16 THE STATE BOARD OF ELECTION COMMISSIONERS; TO AMEND  
17 THE LAW CONCERNING VIOLATIONS OF ELECTION LAW; AND  
18 FOR OTHER PURPOSES.

## Subtitle

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22 TO CREATE THE ELECTION INTEGRITY WITHIN  
23 THE ATTORNEY GENERAL'S OFFICE; TO AMEND  
24 THE DUTIES OF THE STATE BOARD OF ELECTION  
25 COMMISSIONERS; AND TO AMEND THE LAW  
26 CONCERNING VIOLATIONS OF ELECTION LAW.

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

30  
31 SECTION 1. Arkansas Code § 7-1-109 is amended to read as follows:  
32 7-1-109. Enforcement of election laws.

33 (a) Following a written complaint concerning any election law  
34 violation or irregularity to the county board of election commissioners, the  
35 written complaint shall be sent by the county board of election commissioners  
36 to the State Board of Election Commissioners and the Election Integrity Unit



1 for evaluation and investigation.

2 (b) A complaint submitted under subsection (a) of this section shall  
3 be included by the unit in the Arkansas Election Integrity Database.

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5 SECTION 2. Arkansas Code § 7-4-120(b)(7), concerning complaints of  
6 election law violations, is amended to read as follows:

7 (7)(A) If a complaint is filed as required by this section, the  
8 State Board of Election Commissioners shall investigate the alleged violation  
9 and notify the Election Integrity Unit to enter the complaint into the  
10 Arkansas Election Integrity Database.

11 (B) If at the conclusion of the investigation, the State  
12 Board of Election Commissioners find that there is probable cause to believe  
13 there has been a criminal violation of the voter registration laws or  
14 election laws, the State Board of Election Commissioners may forward the  
15 complaint to the prosecuting attorney for criminal prosecution.

16 (C) Immediately upon beginning an investigation under this  
17 section, the State Board of Election Commissioners shall notify the person or  
18 persons under investigation of the fact of the investigation and the nature  
19 of the investigation.

20 ~~(C)(D)~~ (D) If at the conclusion of the investigation, the  
21 State Board of Election Commissioners finds that there is probable cause to  
22 believe there has been a violation of the voter registration laws or election  
23 laws, and the complaint has not been referred to the prosecuting attorney,  
24 the State Board of Election Commissioners may set a public hearing.

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26 SECTION 3. Arkansas Code Title 7, Chapter 4, is amended to add an  
27 additional subchapter to read as follows:

28 Subchapter 3 – Election Integrity Unit

29  
30 7-4-301. Title.

31 This subchapter shall be known and cited as the “Election Integrity  
32 Unit Act of 2023”.

33  
34 7-4-302. Election Integrity Unit.

35 (a) There is created within the Attorney General’s Office the Election  
36 Integrity Unit.

1       (b) The purpose of the Election Integrity Unit is to aid the Secretary  
2 of State and the State Board of Election Commissioners in the completion of  
3 their duties related to the investigation of election crimes and the security  
4 of elections.

5       (c) The director of the Election Integrity Unit shall be known as the  
6 “Director of the Election Integrity Unit” and shall be appointed by the  
7 Attorney General.

8       (d) The Attorney General may also appoint staff to ensure the  
9 efficient operation of the Election Integrity Unit, including without  
10 limitation:

- 11           (1) Assistants;  
12           (2) Nonsworn investigators;  
13           (3) Professional staff; and  
14           (4) Clerical staff.

15       (e) The Election Integrity Unit shall be based in Little Rock,  
16 Arkansas.

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18       7-4-303. Definitions.

19       As used in this subchapter:

20           (1) “Election laws” means the United States Constitution, the  
21 Arkansas Constitution, and the statutes, final court decisions of general  
22 applicability, and rules of the United States and the State of Arkansas  
23 concerning elections conducted by county boards of election commissioners and  
24 the rules promulgated by the State Board of Election Commissioners under § 7-  
25 4-101 concerning elections conducted by county boards of election  
26 commissioners; and

27           (2) “Voter registration laws” means those laws under the United  
28 States Constitution, the Arkansas Constitution, and the statutes, final court  
29 decisions, and rules promulgated by the United States and the State of  
30 Arkansas concerning voter registration laws.

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32       7-4-304. Duties of the Election Integrity Unit.

33       (a) The Election Integrity Unit shall establish the Arkansas Election  
34 Integrity Database that shall be maintained by the Election Integrity Unit,  
35 with secure access provided to the Secretary of State and the State Board of  
36 Election Commissioners.

1           (b) The Election Integrity Unit shall:

2                   (1) Track all alleged violations, complaints, and investigations  
3 in the Arkansas Election Integrity Database;

4                   (2) Oversee the Attorney General's election law violations  
5 hotline pursuant to § 7-4-306;

6                   (3) Respond to notifications or complaints generated by election  
7 officials or any other person alleging a violation of voter registration laws  
8 or election laws;

9                   (4) Refer all notifications of complaints to the State Board of  
10 Election Commissioners for investigation of any potential civil or criminal  
11 acts related to a violation of election law and violations concerning  
12 election security reported under § 7-4-120 or this subchapter;

13                   (5) Receive sworn statements and issue subpoenas to compel the  
14 production of records and other documents pursuant to § 25-16-705; and

15                   (6) Enforce the provisions of this subchapter and perform such  
16 other functions as may be incidental to the powers and duties set forth in  
17 this subchapter.

18           (c) If during the course of an investigation, the State Board of  
19 Election Commissioners determines that there may be a criminal violation of  
20 voter registration laws or election laws, the findings of the investigation:

21                   (1)(A) May be turned over to the appropriate prosecutorial  
22 agency for criminal prosecution.

23                   (B) A prosecuting attorney having jurisdiction over a  
24 violation of voter registration laws or election laws may designate an  
25 attorney employed by the Attorney General's office as a special deputy  
26 prosecutor to prosecute any charges related to a violation of voter  
27 registration laws or election laws or any other charges that may arise from  
28 the same factual allegations or may be properly joined under state law.

29                   (C)(i) Under Arkansas Constitution, Amendment 80, § 20 and  
30 § 16-21-103, only a prosecuting attorney has the duty and authority to  
31 commence and prosecute any criminal action under state law.

32                   (ii) A special deputy prosecuting attorney's power  
33 to prosecute a criminal action under this section is derivative from the  
34 prosecuting attorney; and

35                   (2) Shall be heard by the State Board of Election Commissioners  
36 if the potential violation is a civil violation.

1 (d) This subchapter does not limit the jurisdiction of any other state  
 2 entity empowered by law to investigate, act upon, or dispose of alleged  
 3 violations of state voter registration and election laws.

4 (e)(1) By January 15 of each year, the Election Integrity Unit shall  
 5 submit a report of all closed investigations of the previous calendar year to  
 6 the:

7 (A) Governor;

8 (B) State Board of Election Commissioners; and

9 (C) Joint Performance Review Committee.

10 (2) The report required under subdivision (e)(1) of this section  
 11 shall:

12 (A) Provide a summary of information on each closed  
 13 investigation of an alleged violation of election laws conducted during the  
 14 prior calendar year;

15 (B) Include the total number of:

16 (i) Complaints received;

17 (ii) Independent investigations initiated; and

18 (iii) Number of complaints referred for criminal  
 19 prosecution; and

20 (C) The current status of any resulting criminal case.

21  
 22 7-4-305. Election law violation – Hotline.

23 (a)(1) The Attorney General shall establish and publish procedures to  
 24 receive complaints concerning violations of election law.

25 (2) The procedures shall include the operation of a toll-free  
 26 hotline and may include procedures to receive written complaints through the  
 27 mail, email, or fax.

28 (3) Knowingly filing a false claim of a violation of election  
 29 law is a Class A misdemeanor punishable under § 7-1-103(c).

30 (b)(1) The Attorney General shall report all complaints received  
 31 through the election law violation hotline to the Joint Performance Review  
 32 Committee in the report required under § 7-4-304.

33 (2) The report may contain preliminary findings by the State  
 34 Board of Election Commissioners as to the validity of the complaint if the  
 35 full investigation is not complete.

36

1 SECTION 4. Arkansas Code § 7-5-202(c)(1)(F)(ii), concerning public  
2 notice of elections, is amended to read as follows:

3 (ii) Information about the availability of the  
4 Attorney General's election law violation hotline, including without  
5 limitation the hotline telephone number of the Attorney General's election  
6 law violation hotline established under § ~~25-16-717~~ 7-4-305;

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8 SECTION 5. Arkansas Code § 25-16-717 is repealed.

9 ~~25-16-717. Election law violation—Hotline.~~

10 ~~(a)(1) The Attorney General shall establish and publish procedures to~~  
11 ~~receive complaints concerning violations of election law.~~

12 ~~(2) The procedures shall include the operation of a toll-free~~  
13 ~~hotline and may include procedures to receive written complaints through the~~  
14 ~~mail, email, or fax.~~

15 ~~(3) Knowingly filing a false claim of a violation of election~~  
16 ~~law is a Class A misdemeanor punishable under § 7-1-103(e).~~

17 ~~(b)(1) The Attorney General shall report all complaints received to~~  
18 ~~the Joint Performance Review Committee within forty-five (45) days following~~  
19 ~~the certified election results of a general election.~~

20 ~~(2) The report may contain preliminary findings by the Attorney~~  
21 ~~General as to the validity of the complaint.~~

22 ~~(3) The Joint Performance Review Committee may call a meeting~~  
23 ~~within thirty (30) days of receipt of the report for the purpose of~~  
24 ~~investigating election law violations.~~

25 ~~(c)(1) If the Attorney General receives a complaint and finds it is~~  
26 ~~likely that a violation of election law has occurred, the Attorney General~~  
27 ~~shall forward the complaint to the Joint Performance Review Committee for~~  
28 ~~preliminary investigation and may forward the complaint to the appropriate~~  
29 ~~prosecuting attorney.~~

30 ~~(2) The prosecuting attorney may deputize the Attorney General~~  
31 ~~to act on the prosecuting attorney's behalf if the prosecuting attorney has a~~  
32 ~~conflict of interest in the investigation.~~

33 ~~(3) If the Attorney General is deputized by the prosecuting~~  
34 ~~attorney, the Attorney General may investigate or prosecute the alleged~~  
35 ~~violation of election law.~~

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