

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 272

5 By: Senators J. Petty, K. Hammer, Dees, M. McKee, Stone
6 By: Representatives McCollum, 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, M. McElroy, McGrew, B. McKenzie, McNair, S. Meeks,
10 Miller, Milligan, K. Moore, Pilkington, Puryear, R. Scott Richardson, Richmond, Rose, Rye, Tosh,
11 Underwood, Vaught, Womack, Wooten
12

For An Act To Be Entitled

13 AN ACT TO CREATE AN ELECTION INTEGRITY REVIEW
14 PROCESS; TO AMEND THE DUTIES OF THE STATE BOARD OF
15 ELECTION COMMISSIONERS; TO AMEND THE LAW CONCERNING
16 ELECTION LAW VIOLATIONS; AND FOR OTHER PURPOSES.
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Subtitle

20 TO CREATE AN ELECTION INTEGRITY REVIEW
21 PROCESS; TO AMEND THE DUTIES OF THE STATE
22 BOARD OF ELECTION COMMISSIONERS; AND TO
23 AMEND THE LAW CONCERNING ELECTION LAW
24 VIOLATIONS.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 7-1-104(a), concerning felonies under
31 election law, is amended to add an additional subdivision to read as follows:

32 (19) No person shall forge the signature of a voter on an
33 absentee ballot application, absentee ballot voter statement, or voter
34 registration application;
35

36 SECTION 2. Arkansas Code § 7-4-101(f), concerning the members,



1 officers, and meetings of the State Board of Election Commissioners, is
2 amended to add an additional subdivision to read as follows:

3 (17) Conduct an election integrity review of election-related
4 documents and records following each election cycle in the following odd-
5 numbered year under § 7-4-123.

6
7 SECTION 3. Arkansas Code § 7-4-120(b)(1), concerning complaints of
8 election law violations, is amended to add an additional subdivision to read
9 as follows:

10 (D) The State Board of Election Commissioners may file a
11 complaint within three (3) years following the alleged violation of an
12 election law or voter registration law if the alleged violation:

13 (i) Relates to a felony criminal provision of
14 election law;

15 (ii) Relates to a felony criminal provision of voter
16 registration law; or

17 (iii) Affects the accuracy of a certified election
18 result.

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20 SECTION 4. Arkansas Code § 7-4-121(a)(1), concerning election audits
21 by the State Board of Election Commissioners, is amended to read as follows:
22 7-4-121. Election audits.

23 (a)(1) The State Board of Election Commissioners shall audit the
24 results of each preferential primary election and general election to ensure
25 the integrity and accuracy of the voting process.

26
27 SECTION 5. Arkansas Code Title 7, Chapter 4, Subchapter 1, is amended
28 to add an additional section to read as follows:

29 7-4-123. Election Integrity Review.

30 (a)(1) The State Board of Election Commissioners shall conduct an
31 election integrity review of election related documents and records following
32 each election cycle in the odd-numbered years following an election.

33 (2) The counties to be selected to participate in the election
34 integrity review shall be selected by:

35 (A) Random selection in a public meeting of the board;

36 (B) Designation by a two-thirds (2/3) vote of the board if

1 information obtained through the complaint process or by a certified election
2 monitor indicates that a substantial violation of election or voter
3 registration laws may have occurred in that county; or

4 (C) Designation of the Joint Performance Review Committee.

5 (3)(A) The election integrity review shall include not less than
6 fifteen (15) counties and not more than twenty (20) counties in an odd-
7 numbered year.

8 (B) The board shall select fifteen (15) counties either by
9 designation or by random selection no later than January 31 of the odd-
10 numbered year to participate in the election integrity review.

11 (b)(1) When conducting the election integrity review, the board may:

12 (A) Obtain and review any election or voter registration
13 record; and

14 (B) Conduct interviews with election officials, elected
15 officials, or others.

16 (2) The board shall engage in the proactive review of voter
17 registration documents to the extent practical based on agency resources in
18 order to identify:

19 (A) Errors in the voter registration records; and

20 (B) Fraudulent activity reflected in the voter
21 registration records.

22 (3) The board shall engage in the proactive review of absentee
23 voting documents in order to identify violations of law including but not
24 limited to the following:

25 (A) Fraudulent applications for an absentee ballot;

26 (B) Fraudulent completion of an absentee ballot voter
27 statement;

28 (C) Fraudulent return of an absentee ballot;

29 (D) Unlawful influence of an absentee voter by a third
30 party; and

31 (E) Failure to comply with the statutory requirement
32 regarding the sending and receiving of absentee ballots.

33 (4) The board may engage in the proactive review of other
34 documents related to the election to verify the accuracy and integrity of the
35 certified election results.

36 (c)(1) The board shall adopt a report that describes the finding of

1 the review no later than December 31 of the year in which the review is
2 conducted.

3 (2) The board shall deliver a copy of the report to the:

4 (A) Attorney General’s office; and

5 (B) Joint Performance Review Committee.

6 (d) If the election integrity review indicates that a violation of
7 election law has occurred that is not a felony criminal violation and that
8 does not affect the accuracy of a certified election result, the board may:

9 (1) Compel an election official who is indicated as having
10 violated an election or voter registration law to attend supplemental
11 training to address the violation;

12 (2) Notify the person or entity who appointed the official of
13 the information obtained by the board; or

14 (3) Issue a letter of instruction.

15 (e) If the election integrity review indicates that a violation of
16 election law has occurred that is a felony criminal violation or that affects
17 the accuracy of a certified election result, the board shall:

18 (1) Initiate a complaint under § 7-4-120; or

19 (2) Refer the matter to the appropriate law enforcement
20 authorities.

21 (f) If a county official refuses to provide records requested to
22 conduct a review under this section, the board may consider the failure to
23 provide documents as an indication that a criminal election law violation has
24 occurred authorizing the filing of a complaint under § 7-4-120 more than
25 thirty (30) days after the deadline to certify the election.

26
27 SECTION 6. DO NOT CODIFY. Effective date.

28 (a) The requirement to conduct an election integrity review of
29 election-related documents and records in no fewer than fifteen (15) counties
30 required under Section 2 of this act shall be effective beginning January 1,
31 2025.

32 (b) The State Board of Election Commissioners may conduct an election
33 integrity review of election-related documents and records prior to January
34 1, 2025 as a pilot program.