

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

As Engrossed: H3/30/23

# 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

## For An Act To Be Entitled

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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

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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;  
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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.

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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.

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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 may 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; or

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.

4 (3)(A) The random selection of counties under subdivision  
5 (a)(2)(A) of this section shall be conducted in a public meeting.

6 (B) The board shall establish the number of counties to be  
7 reviewed based on the available resources of the board.

8 (C) If a county was reviewed under this section, that  
9 county will not be subject to a subsequent review under this section for a  
10 period of four (4) years.

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 may 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 may 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 may:

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.

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27 */s/J. Petty*  
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