

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/28/13

A Bill

SENATE BILL 719

5 By: Senator B. King
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE VOTER INTEGRITY UNIT WITH THE
9 SECRETARY OF STATE; TO ENSURE EFFECTIVE AND THOROUGH
10 INVESTIGATIONS OF ALLEGED ELECTION MISCONDUCT; TO
11 PROTECT THE INTEGRITY OF ELECTIONS; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO CREATE THE VOTER INTEGRITY UNIT WITH
16 THE SECRETARY OF STATE; TO ENSURE
17 EFFECTIVE AND THOROUGH INVESTIGATIONS OF
18 ALLEGED ELECTION MISCONDUCT; AND TO
19 PROTECT THE INTEGRITY OF ELECTIONS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 *SECTION 1. Arkansas Code Title 7, Chapter 1, is amended to add an
26 additional section to read as follows:*

27 7-1-111. Voter Integrity Unit – Creation.

28 (a) There is created a Voter Integrity Unit.

29 (b) The Voter Integrity Unit shall be composed of four (4) members of
30 the staff of the Secretary of State who are designated by the Secretary of
31 State, including:

32 (1) The Director of the Elections Division of the Secretary of
33 State, or a designee selected by the Secretary of State, to serve as Chairman
34 of the Voter Integrity Unit;

35 (2) The General Counsel of the Secretary of State;

36 (3) One (1) employee of the Elections Division of the Secretary
37 of State; and

38 (4) One (1) officer of the State Capitol Police.

39 (c) The Voter Integrity Unit shall investigate any complaint of



1 election irregularity or alleged violation of election law that has been
2 filed with the State Board of Election Commissioners.

3 (d) The Voter Integrity Unit shall:

4 (1)(A) Conduct an investigation of each complaint of election
5 irregularity or alleged violation of election law.

6 (B) In the course of an investigation, the Voter Integrity
7 Unit may:

8 (i) Conduct a hearing;

9 (ii) Use the power of subpoena to compel the:

10 (a) Attendance and testimony of a witness; and

11 (b) Production of evidence, including without
12 limitation books, records, or other documents; and

13 (iii) Administer an oath for the purpose of taking
14 sworn testimony; and

15 (2) Render a report on the result of the investigation to the
16 Secretary of State.

17 (e) Within thirty (30) calendar days of receiving the report, the
18 Secretary of State shall present the results of the report to a meeting of
19 the State Board of Election Commissioners.

20 (f) The State Board of Election Commissioners shall receive the report
21 and within thirty (30) calendar days from receipt of the report determine an
22 official response from the board, including without limitation:

23 (1) Dismissal of the complaint of election irregularity or
24 violation of election law;

25 (2) Issue of a letter of caution to individuals or entities
26 responsible for election irregularity; or

27 (3) Referral of the instance of alleged election law violation
28 to:

29 (A) The prosecuting attorney for the jurisdiction in which
30 the alleged election law violation occurred; or

31 (B) The United States Attorney for the jurisdiction in
32 which the alleged election law violation occurred.

33 (g) Within sixty (60) calendar days of determining the official
34 response of the State Board of Election Commissioners to the instance of
35 election irregularity or alleged violation of election law, the State Board
36 of Election Commissioners shall submit to the House Committee of State

1 Agencies and Governmental Affairs and the Senate Committee of State Agencies
2 and Governmental Affairs of the Arkansas General Assembly a report that
3 includes without limitation the:

4 (1) Name of the complainant or entity filing the complaint of
5 election irregularity or alleged election law violation;

6 (2) Date the incident is alleged to have occurred;

7 (3) Date of the complaint;

8 (4) Location in which it is alleged that the incident occurred;

9 (5) Detailed explanation of the complaint of election
10 irregularity or alleged election law violation;

11 (6) Report of the Voter Integrity Unit to the Secretary of
12 State; and

13 (7) Resolution report of the State Board of Election
14 Commissioners, including:

15 (A) Minutes of the State Board of Election Commissioners'
16 meeting on the report of the Voter Integrity Unit;

17 (B) Determination of the State Board of Election
18 Commissioners regarding disposition of the complaint of election irregularity
19 or alleged election law violation; and

20 (C) Copies of any referrals to prosecutors or United
21 States Attorneys.

22 (h)(1) The following documents are exempt from disclosure under the
23 Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq., until after
24 the formal presentation of the final report to the House Committee of State
25 Agencies and Governmental Affairs and the Senate Committee of State Agencies
26 and Governmental Affairs:

27 (A) The report of results of the investigation by the
28 Voter Integrity Unit;

29 (B) The report by the Secretary of State to the State
30 Board of Election Commissioners concerning the investigation;

31 (C) Reports, communications, and printed and electronic
32 documents of the State Board of Election Commissioners to the Joint Committee
33 on State Agencies and Governmental Affairs;

34 (2) For the purpose of the discussion of the investigation, a
35 governing body otherwise subject to the open meeting requirements under § 25-
36 19-106 shall convene an executive session, the minutes or other record of

1 which shall be publicly available after the formal presentation of the final
2 report to the House Committee of State Agencies and Governmental Affairs and
3 the Senate Committee of State Agencies and Governmental Affairs.

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5 /s/B. King
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