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**RE: EXECUTIVE SUMMARY MEMORANDUM**

**PROPOSED BILL NO. 11  
MODIFYING AUDITS OF ELECTIONS BY THE STATE**

Dear Sir or Madam:

This bill adds the requirement to audit primaries and requires that audits be hand counted.

**Ark. Code Ann. § 7-4-121**

(a)(1)

Requires that audits occur not only for the general election but the primary election as well.

(a)(1)(D)

Requires that the audit be done by hand counting each contest and ballot issue and comparing the hand count to any electronic tabulation results.

Sincerely,



**/S/ CLINTON W. LANCASTER**

Attorney at Law

# A Bill

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

SENATE BILL \_\_\_\_\_

4  
5 By: Representative  
6 By Senator

## For An Act to Be Entitled

7  
8 AN ACT TO AMEND THE LAW CONCERNING ELECTIONS  
9 AND TO RESTORE ELECTION INTEGRITY IN ARKANSAS  
10 AND AMENDED ELECTION PROCEDURES  
11

### Subtitle

12  
13 TO MODIFY THE MANNER IN WHICH ELECTION AUDITS  
14 ARE CONDUCTED BY THE STATE BOARD OF ELECTION  
15 COMMISSIONERS  
16

17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 **SECTION 1. Arkansas Code Title 7, Chapter 4, Subchapter 1, Section 121 is**  
21 **amended as follows:**

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

24 (2) When conducting a post-election audit of the election results, the State Board of  
25 Election Commissioners shall:

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

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

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

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1 (D) Conduct the audit by hand counting each contest and ballot issue and comparing  
2 those tabulations to the ~~using the~~ voter-verified paper audit trail;

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

4 (ii) The report filed under this subdivision (a)(2)(E):

5 (a) Is not a recount;

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

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

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

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

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

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

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

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