

LANCASTER LAW FIRM, PLLC

clint@thelancasterlawfirm.com
Licensed Attorney and Registered Lobbyist

(501) 776-2224

jennifer@thelancasterlawfirm.com
Licensed Attorney and Registered Lobbyist

RE: EXECUTIVE SUMMARY MEMORANDUM

**PROPOSED BILL NO. 5
PROTECTION OF ELECTION DATA**

Dear Sir or Madam:

This bill prevents data that is necessary and vital to ballot harvesting operations from being disclosed during an election.

This bill would create a wholly new statute.

Ark. Code Ann. § 7-5-617

(a)

Broadly defines “election data” to encompass all aspects of electronic and paper data related or pertaining to an election.

(b)(1)(2)

Mandates that election related data can only be “handled, read, possessed, or viewed” by election officials and the Secretary of State from ten days prior to the election until all votes are tabulated.

Also, this section exempts election related data from FOIA or open records requests during the same time period.

(c)

Creates criminal penalties for the negligent distribution of election data during the prohibited time period by making it a misdemeanor. If the disclosure was intentional, it is a felony punishable by up to five years in prison. It also makes a conviction that of an “infamous crime” which prohibits the convicted person from serving or holding public office. Finally, a conviction bars a person from ever working as an election official or poll worker in the future.

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 IMPROVE THE PROTECTION OF THE INTEGRITY OF
14 THE VOTING DATA
15

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 **SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 3, Section 617 is**
20 **created as follows:**

21 (a) In this section “election related data” means all data, whether paper or electronic, related
22 to a voter, the voting process, casting of ballots, counting of ballots, or tabulation of cast ballots,
23 including all physical and electronic related information from any pollbook, tabulator, voting
24 device, or paper records.

25 (b)(1) Within ten days before any election, including a primary election, until the counting
26 and tabulation of ballots is complete, election related data shall not be handled, read, possessed, or
27 viewed by any person who is not:

28 (i) A duly appointed or elected county clerk or the clerk’s sworn, county paid deputies.

29 (ii) A county election commissioner or his or her sworn, county paid employees.

30 (iii) The Secretary of State and his or her sworn assistants who are State paid
31 employees.

PROPOSED BILL 5

1
2
3
4
5
6
7
8
9
10
11

(2) Within ten days before any election, including a primary election, until the counting and tabulation of ballots is complete, election related data shall be exempt for the Arkansas Freedom of Information Act.

(c)(1) Any person who negligently permits a person or entity to handle, read, possess, or view election related data shall be guilty of a class A misdemeanor and a conviction shall be deemed an “infamous crime.” Additionally, such person shall not be permitted to serve as an election official in any future elections.

(2) Any person who intentionally or willfully violates this paragraph shall be guilty of a class D felony and a conviction shall be deemed as an “infamous crime.” Additionally, such person shall not be permitted to serve as an election official in any future elections.