

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

A Bill

SENATE BILL 429

5 By: Senator A. Clark
6 By: Representatives Long, Bentley
7

For An Act To Be Entitled

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING
10 THE HANDLING, READING, POSSESSION, OR VIEWING OF
11 ELECTION-RELATED DATA; PROVIDING THAT ELECTION-
12 RELATED DATA IS EXEMPT FROM THE FREEDOM OF
13 INFORMATION ACT OF 1967 FOR A PERIOD OF TIME; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 CONCERNING THE HANDLING, READING,
19 POSSESSION, OR VIEWING OF ELECTION-
20 RELATED DATA AND PROVIDING THAT ELECTION-
21 RELATED DATA IS EXEMPT FROM THE FREEDOM
22 OF INFORMATION ACT OF 1967 FOR A PERIOD
23 OF TIME.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended
29 to read as follows:

30 7-5-113. Election-related data.

31 (a) As used in this section, "election-related data" means all data,
32 whether paper or electronic, related to a voter, the voting process, and the
33 casting, counting, and tabulation of ballots, including without limitation
34 all physical and electronic information from any pollbook, electronic vote
35 tabulating device, voting machine, or paper ballot.

36 (b) Beginning ten (10) days before an election, including without



1 limitation the preferential primary election, and ending with the
 2 certification of the results of the election:

3 (1) Election-related data shall not be handled, read,
 4 possessed, or viewed by any person who is not:

5 (1) The county clerk or a deputy county clerk;

6 (2) A member of the county board of election commissioners
 7 conducting the election or an employee of the county board of election
 8 commissioners conducting the election; or

9 (3) The Secretary of State or an employee of the Secretary
 10 of State's office; and

11 (2) Election-related data is exempt from disclosure under the
 12 Freedom of Information Act of 1967, § 25-19-101 et seq.

13 (c) A person who negligently permits a person or entity to handle,
 14 read, possess, or view election-related data in violation of this section
 15 shall:

16 (1) Be guilty of a Class A misdemeanor;

17 (2) Be considered to have committed an infamous crime as defined
 18 under § 7-1-101; and

19 (3) Not be permitted to serve as an election official at
 20 subsequent elections.

21 (d) A person who purposely permits a person or entity to handle, read,
 22 possess, or view election-related data in violation of this section shall:

23 (1) Be guilty of a Class D felony;

24 (2) Be considered to have committed an infamous crime as defined
 25 under § 7-1-101; and

26 (3) Not be permitted to serve as an election official at
 27 subsequent elections.

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