

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Scott**

A BILL ACT 530 OF 1991
SENATE BILL 93

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-5-315 TO PROVIDE FOR THE
9 COUNTING OF VOTES CAST FOR A PERSON WHOSE NAME APPEARED ON
10 THE BALLOT BUT WHO WITHDREW OR DIED; AND FOR OTHER
11 PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code 7-5-315 is amended to read as follows:

16 "7-5-315. Counting ballots.

17 In counting the ballots, the following procedures shall be followed:

18 (1) The votes received by an unopposed candidate in any election held
19 in this state shall not be counted or tabulated by the election officials.
20 The word "UNOPPOSED" shall be sufficient to insert on the tally sheet to
21 indicate that the candidate has received a majority of the votes cast in the
22 election. However, the votes received by an unopposed candidate for the
23 office of mayor or circuit clerk shall be counted and tabulated by the
24 election officials;

25 (2) No write-in vote in any election in this state may be counted
26 unless the name of the write-in candidate shall have been written on the
27 ballot in the handwriting of the person casting the vote;

28 (3) In counting the ballots, the ballot box shall be opened, and the
29 ballots shall be counted by counting each ballot in turn or by counting by
30 offices and issues. The judges of the election must witness the counting of
31 the ballots, and the two (2) clerks shall keep separate tally lists of the
32 votes cast for each candidate or issue on the ballot;

33 (4) When two (2) or more ballots are found folded together, it shall be
34 considered as conclusive evidence of their being fraudulent, and neither of
35 them shall be counted. If a ballot shall be found to contain a greater number
36 of names for any one office than the number of persons required to fill the

1 office, it shall be considered fraudulent as to the whole of the names
2 designated to fill the office, but no further;

3 (5) Upon the close of the polls, the judges and clerks shall
4 immediately certify and attest the list of voters and continue the count to
5 completion. If any of the judges and clerks become sick or incapacitated from
6 any other cause, the remaining judges and clerks shall continue the count
7 until it is completed;

8 (6) After the count is completed, the judges and clerks shall make out
9 the certificates of election, in triplicate, and immediately post one (1) copy
10 outside the polling place;

11 (7) The votes received by any person whose name appeared on the ballot
12 and who withdrew or died after the certification of the ballot shall be
13 counted. If the person received enough votes to win nomination or election, a
14 vacancy in nomination or election shall be declared. If the person received
15 enough votes to qualify for a runoff, the person's name shall appear on the
16 runoff ballot and if enough votes are cast for the person to win the runoff
17 then a vacancy in nomination or election shall exist."

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19 SECTION 2. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 4. All laws or parts of laws in conflict with this act are
30 hereby repealed.

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APPROVED: 3-13-91