

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/1/99 H3/19/99

A Bill

Act 1023 of 1999
SENATE BILL 553

5 By: Senator K. Smith
6
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 7-5-319 TO CLARIFY THE
10 PROCEDURE PERTAINING TO RECOUNTS BY THE COUNTY BOARD
11 OF ELECTION COMMISSIONERS; AND FOR OTHER PURPOSES."

Subtitle

13 "TO AMEND ARKANSAS CODE 7-5-319 TO
14 CLARIFY THE PROCEDURE PERTAINING TO
15 RECOUNTS BY THE COUNTY BOARD OF ELECTION
16 COMMISSIONERS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code 7-5-319(a) and (b) are amended to read as*
22 *follows:*

23 (a) At any time before the county board of election commissioners shall
24 finally complete the canvass of the returns of any election and certify the
25 result, any candidate voted for who may be dissatisfied with the returns from
26 any precinct ~~may have a recount of the votes cast therein if the candidate~~
27 ~~presents the county board of election commissioners with a petition showing~~
28 ~~reasonable grounds for believing that the return, as made by the election~~
29 ~~officials, does not give a correct statement of the vote as actually cast, as~~
30 ~~it is shown by the ballots returned with the certificate of the election~~
31 ~~officials.~~ shall have a recount of the votes cast therein upon the candidate
32 presenting the county board of election commissioners with a petition
33 requesting the recount. At the time the petition requesting the recount is
34 filed, the county board of election commissioners shall provide a copy of the
35 test results on the voting machines performed pursuant to Arkansas Code 7-5-
36 504(20) and 7-5-611(c) and (d) to the candidate requesting the recount. The

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1 county board of election commissioners shall wait at least forty-eight (48)
 2 hours after the close of the elections to certify the results. However, only
 3 one (1) recount per candidate per election shall be permitted. The county
 4 board of election commissioners shall certify the
 5 results of the last recount. The County Board of Election Commissioners may
 6 upon its own motion conduct a recount of the returns from any or all
 7 precincts.

8 (b) ~~Upon the prayer of the petition being granted, the~~ The
 9 commissioners shall open the package containing the ballots and recount the
 10 ballots in the manner prescribed by law for the count to be made by the
 11 election officials in the first instance or if there is a determination by the
 12 County Board of Election Commissioners that the voting machine or automated
 13 tabulating equipment may be malfunctioning it may recount ballots by any
 14 manner prescribed by law. The result as found upon the recount, if it differs
 15 from that certified by the election officials, shall be included in the
 16 canvass as the vote for the particular precinct for which the recount was
 17 ordered and made.

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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.

22
 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 and parts of laws in conflict with this Act are
 30 hereby repealed.

31 /s/ K. Smith

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 34 APPROVED: 3/31/1999