

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

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

As Engrossed: H3/18/99

A Bill

Act 1243 of 1999
HOUSE BILL 2216

5 By: Representatives Bush, King
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 7-5-409 PERTAINING TO
10 MATERIALS FURNISHED TO QUALIFIED VOTERS; AND FOR OTHER
11 PURPOSES. "

Subtitle

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13
14 "TO AMEND ARKANSAS CODE 7-5-409
15 PERTAINING TO MATERIALS FURNISHED TO
16 QUALIFIED VOTERS. "

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code 7-5-409(b) is amended to read as follows:

22 "(b) If the applicant is registered or is otherwise eligible to vote
23 absentee, the county clerk shall deliver or mail to the applicant or deliver
24 pursuant to subsections (d) through (f) of this section to the person who
25 delivers the application to the office of the county clerk pursuant to § 7-5-
26 403 the following materials:

27 (1) An official ballot for each election named in the
28 application;

29 (2) A sealable envelope on which there shall be no identifying
30 marks;

31 (3) A sealable envelope upon which shall be printed or written
32 the address of the county clerk, precinct of voter and the words: 'ABSENTEE
33 BALLOT, 19, ELECTION';

34 (4) A blank statement in the following form:
35

36 IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF PERJURY

1 AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10 YEARS.

2
3 'I, _____,
4 do swear that on the date of the election to be held, _____, 19____, _____,
5 I will be unavoidably absent from my voting precinct.

6
7 I am a qualified, registered elector of the
8 _____ (ward, precinct, or township) of
9 _____, Arkansas.

10
11 I have enclosed my marked ballot in the envelope provided which I shall
12 place with this statement and my ballot stub in a large envelope. I will not
13 vote again in this election.

14
15 (Check one)

16
17 I am personally delivering my ballot.

18
19 I am mailing this ballot to the county clerk.

20
21 I am hereby authorizing my relative or designated bearer (insert
22 his or her name), _____, to deliver this ballot to the county clerk.

23
24 I am hereby authorizing (insert his or her name) as my
25 authorized agent to deliver this ballot as I am medically unable to vote on
26 election day. An affidavit verifying my medical status as unable to deliver
27 the application or to vote on the day of the election is attached or has been
28 provided with my application.

29
30 The information I have provided is true to the best of my knowledge under
31 penalty of perjury. If I have provided false information, I may be subject to
32 a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten
33 years, or both, under federal or state laws.

1 signature of voter
2
3 _____
4 printed name of voter
5
6 _____
7 address of voter
8
9 _____
10 date of birth of voter
11
12 signature of designated
13 bearer, relative or authorized agent
14
15
16 address of designated bearer, relative or authorized agent."
17

18 SECTION 2. Arkansas Code 7-5-409 is amended by adding the following new
19 language to read as follows:

20 "(d) The county clerk shall not deliver absentee ballots to any person
21 other than the absentee voter unless the person picking up the ballots
22 provides satisfactory photo identification to the county clerk that he or she
23 is the person authorized by the absentee voter to pick up the ballots.

24 (e) The county clerk shall require the person picking up absentee
25 ballots for another person to sign a register under oath to be maintained by
26 the county clerk. The designated bearer register shall contain the following
27 information: printed name of designated bearer, address of designated bearer,
28 printed name of voter, and signature of designated bearer. The register shall
29 contain the following oath on each page: IF YOU PROVIDE FALSE INFORMATION ON
30 THIS FORM, YOU MAY BE GUILTY OF PERJURY AND SUBJECT TO A FINE OF UP TO TEN
31 THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN YEARS, OR BOTH, UNDER
32 FEDERAL AND STATE LAWS.

33 (f) The county clerk shall not provide more than five (5) absentee
34 ballots per election to any designated bearer nor shall the county clerk
35 accept delivery of more than five (5) absentee ballots per election from any
36 designated bearer."

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SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ Bush, et al

APPROVED: 4/8/1999