

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: H3/10/99 H3/16/99*

## A Bill

Act 1368 of 1999  
HOUSE BILL 2168

5 By: Representatives King, *Bush*  
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### For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 7-5-416 RELATING TO THE  
9 COUNTING OF ABSENTEE BALLOTS; AND FOR OTHER PURPOSES."  
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### Subtitle

12 "TO AMEND ARKANSAS CODE 7-5-416 RELATING  
13 TO THE COUNTING OF ABSENTEE BALLOTS."  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code 7-5-416 (a) and (b) are amended to read as  
20 follows:

21 "(a) The election officials for absentee ballots shall meet in the  
22 courthouse in a place designated by the county board of election commissioners  
23 on election day for the purpose of processing absentee ballots. No election  
24 results may be printed or released prior to the close of the polls. The county  
25 board of election commissioners shall post at the county clerk's office the  
26 time and location of opening, canvassing, and counting of absentee ballots.  
27 The county clerk shall forward the absentee ballot applications sorted  
28 alphabetically or by precinct to the election officials for absentee ballots.

29 Candidates may be present in person at any election, and in general or  
30 special elections candidates and political parties may be present by  
31 representative, designated in writing, during the opening, canvassing, and  
32 counting of the absentee ballots as provided in this subchapter.

33 (b) The opening, counting, and canvassing shall be conducted as  
34 follows:

35 (1) One (1) of the election officials shall open outer absentee  
36 ballot envelopes one-by-one, and as soon as he opens one (1), he shall read

1 aloud from the statement in the envelope the name of the voter and the voting  
2 precinct in which the voter claims to be a legal voter;

3 (2) As each outer envelope is opened and the name of the voter is  
4 read, the election officials for the absentee box shall list in duplicate the  
5 name and voting precinct of the voter and shall write on the stub end of the  
6 ballot taken from the outer envelope the number of the voter taken from this  
7 list of voters;

8 (3) After the election official reads aloud from the statement,  
9 the election officials shall compare name, address, date of birth, and  
10 signature of the voter's absentee application and voter's statement. If the  
11 application and the voter statement does not compare as to name, address, date  
12 of birth and signature, the application, absentee ballot envelope and  
13 statement shall be placed in an envelope marked 'challenged.' The election  
14 official shall record the reason for the challenge on the envelope and it  
15 shall be referred to the County Board of Election Commissioners. The County  
16 Board of Election Commissioners shall determine if the voter is qualified and  
17 whether or not the vote shall be counted.

18 ~~(3)~~(4) If no challenge is made and the statement is in proper  
19 form, the election official shall, without opening the inner envelope  
20 containing the ballot, remove the inner envelope and place it in the ballot  
21 box without marking it in any way. Proper form shall include the voter's  
22 signature;

23 ~~(4)~~(5) The ballot stub ends shall be placed in a separate ballot  
24 box designated for them and retained as are other ballot stub ends;

25 ~~(5)~~(6) After all of the outer envelopes have been opened and a  
26 list has been made in duplicate of the name and voting precinct of the voters,  
27 as required herein, the election officials of the absentee box shall preserve  
28 all the statements of voters and deliver them to the county clerk who shall  
29 file and keep them for the same length of time after the election as required  
30 for retention of other ballots, and the statements shall be made available for  
31 public inspection during regular business hours;

32 ~~(6)~~(7) When all of the inner envelopes containing the ballots  
33 have been placed in the ballot box and the ballot stub ends have been  
34 deposited in a separate box, the ballot box shall be shaken thoroughly so as  
35 to mix the ballots;

36 ~~(7)~~(8) The ballot box shall be opened and the ballots canvassed

1 and counted. No election results shall be printed or released prior to the  
2 close of the polls."

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

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8 SECTION 3. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

16 */s/ King, et al*

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19 APPROVED: 4/12/1999  
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