

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S2/18/03 S2/24/03 S3/4/03 S3/10/03 H3/17/03*

2 84th General Assembly

A Bill

Act 994 of 2003

3 Regular Session, 2003

SENATE BILL 270

4

5 By: Senators Faris, *Argue, Broadway, Baker, Wilkins, J. Jeffress, Wilkinson, B. Johnson, J. Bookout, T.*

6 *Smith, G. Jeffress, Glover, Capps*

7 By: Representatives King, Agee, Scrimshire, Lendall, Parks, Seawel, Ormond, Elliott, Pritchard, Mathis,

8 D. Evans, Mahony, L. Evans, Hardwick, Thomason, Penix, Sumpter, Sullivan, Pace, Thyer, Edwards,

9 Jackson, Rosenbaum, Biggs

10

11

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For An Act To Be Entitled

13

AN ACT TO IMPLEMENT THE FEDERAL HELP AMERICA VOTE
ACT; TO REVISE VARIOUS VOTING PROCEDURES; AND FOR
OTHER PROCEDURES.

14

15

16

17

Subtitle

18

AN ACT TO IMPLEMENT THE FEDERAL HELP
AMERICA VOTE ACT.

19

20

21

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

23

24 SECTION 1. Arkansas Code § 7-1-101 is amended to read as follows:

25 7-1-101. Definitions.

26 As used in this title, unless the context or chapter otherwise requires:

27 (1) "Administrator" means the administrative head of a long-term
28 care or residential care facility licensed by the state who is authorized in
29 writing by a patient of the long-term care or residential care facility to
30 deliver the application for an absentee ballot and to obtain or deliver the
31 absentee ballot to the county clerk;

32 (2) "Authorized agent" means a person who is identified and
33 authorized by an applicant who is medically unable to cast a ballot at a
34 polling site due to unforeseen medical necessity as set forth in an affidavit
35 from the administrative head of a hospital or long-term or residential care
36 facility to deliver the application, obtain a ballot, and deliver the ballot



1 on the day of the election to the county clerk;

2 (3) "Automatic tabulating equipment" means apparatus necessary
3 to automatically examine and count votes as designated on vote cards and data
4 processing machines which can be used for counting votes and tabulating
5 results but shall not include those voting machines authorized under this
6 title;

7 (4) "Candidate and issue labels" means the cards, paper,
8 booklet, pages, or other material containing the names of offices and
9 candidates and statements of measures to be voted on;

10 (5) "Canvassing" means examining and counting the returns of
11 votes cast at a public election to determine authenticity;

12 (6) "Constitutional officers of this state" means the offices of
13 the Governor, Lieutenant Governor, Secretary of State, Attorney General,
14 Auditor of State, Treasurer of State, and Commissioner of State Lands;

15 (7) "Counting location" means a location selected by the county
16 board of election commissioners with respect to all elections for the
17 automatic processing or counting or both of votes;

18 (8) "Designated bearer" means any person who is identified and
19 authorized by the applicant to obtain from the county clerk or to deliver to
20 the county clerk the applicant's ballot;

21 (9) "Election official" or "election officer" means a person who
22 is a member of the county board of election commissioners or a person who is
23 a poll worker, having been designated by a county board of election
24 commissioners to be an election clerk, election judge, or election sheriff;

25 (10) "Electronic voting system" means a system of casting votes
26 by use of marking devices and tabulating votes by use of automatic tabulating
27 equipment or data processing equipment but shall not include those voting
28 machines authorized under this title;

29 (11) "Fail-safe voting" means the mechanism established under
30 the National Voter Registration Act of 1993 that allows voters who have moved
31 within the same county to vote at their new precinct without having updated
32 their voter registration records;

33 (12) "First-time voter" means any registered voter who has not
34 previously voted in a federal election in the state.

35 ~~(12)~~(13) "General or special election" means the regular
36 biennial or annual elections for election of United States, state, district,

1 county, township, and municipal officials and the special elections to fill
2 vacancies therein and special elections to approve any measure. The term as
3 used in this act shall not apply to school elections for officials of school
4 districts;

5 ~~(13)~~(14) "Majority party" means that political party in the
6 State of Arkansas whose candidates were elected to a majority of the
7 constitutional offices of this state in the last-preceding general election;

8 ~~(14)~~(15) "Marking device" means either an apparatus in which
9 vote cards are inserted and used in connection with a punch apparatus for
10 piercing of vote cards by the voter or any approved device for marking a
11 paper vote sheet with ink or other substances which will enable the votes to
12 be tabulated by means of automatic tabulating equipment;

13 ~~(15)~~(16) "Minority party" means that political party whose
14 candidates were elected to less than a majority of the constitutional offices
15 of this state in the last-preceding general election or the political party
16 which polled the second-greatest number of votes for the office of Governor
17 in the last-preceding general election if all of the elected constitutional
18 officers of this state are from a single political party;

19 ~~(16)~~(17)(A) "Political party" means any group of voters which at
20 the last-preceding general election polled for its candidate for Governor in
21 the state or nominees for presidential electors at least three percent (3%)
22 of the entire vote cast for the office.

23 (B) No group of electors shall assume a name or
24 designation which is so similar in the opinion of the Secretary of State to
25 that of an existing political party as to confuse or mislead the voters at an
26 election.

27 (C) When any political party fails to obtain three percent
28 (3%) of the total votes cast at an election for the office of Governor or
29 nominees for presidential electors, it shall cease to be a political party;

30 ~~(17)~~(18) "Polling site" means a location selected by the county
31 board of election commissioners where votes are cast;

32 ~~(18)~~(19) "Precinct" means the geographical boundary lines
33 dividing a county, municipality, township, or school district for voting
34 purposes;

35 ~~(19)~~(20) "Primary election" means any election held by a
36 political party in the manner provided by law for the purpose of selecting

1 nominees of said political party for certification as candidates for election
2 at any general or special election in this state;

3 ~~(20)~~(21) "Qualified elector" means a person who holds the
4 qualifications of an elector and who is registered pursuant to Arkansas
5 Constitution, Amendment 51;

6 ~~(21)~~(22) "Vacancy in election" means the vacancy in an elective
7 office created by death, resignation, or other good and legal cause, arising
8 prior to election to the office at a general or special election but arising
9 subsequent to the certification of the ballot;

10 ~~(22)~~(23) "Vacancy in nomination" means the circumstances in
11 which the person who received the majority of votes at the preferential
12 primary election or general primary election cannot accept the nomination due
13 to death or notifies the party that he or she will not accept the nomination
14 due to serious illness, moving out of the area from which the person was
15 elected as the party's nominee, or filing for another office preceding the
16 final date for certification of nominations;

17 ~~(23)~~(24)(A) "Vacancy in office" means the vacancy in an elective
18 office created by death, resignation, or other good and legal cause arising
19 subsequent to election to the office at a general or special election or
20 arising subsequent to taking office and prior to the expiration of the term
21 of office in those circumstances wherein the vacancy must be filled by a
22 special election rather than by appointment.

23 (B) The phrase "vacancy in office" shall not apply to the
24 election of a person at a general election to fill an unexpired portion of a
25 term of office; and

26 ~~(24)~~(25) "Vote card" means a card upon which the voter casts his
27 votes by the process of punching.

28
29 SECTION 2. Arkansas Code § 7-5-201(d), concerning voter
30 qualifications, is amended to read as follows:

31 (d)(1) Any person registering to vote by mail and who has not
32 previously voted in a federal election in this state shall ~~appear in person~~
33 ~~to vote the first time he or she casts a ballot.;~~

34 (A) Present to the election official a current and valid
35 photo identification, or copy of a current utility bill, bank statement,
36 government check, paycheck, or other government document that shows the name

1 and address of the voter, when appearing to vote in person either early or at
 2 the polls on election day; or

3 (B) Submit with the ballot a copy of a current and valid
 4 photo identification or a copy of a current utility bill, bank statement,
 5 government check, paycheck, or other government document that shows the name
 6 and address of the voter, when voting by mail.

7 (2) The provision of subdivision (d)(1) of this section does not
 8 include:

9 (A) Persons whose applications are transmitted by state or
 10 federal voter registration agencies;

11 ~~(B) Persons who are temporarily living in a particular~~
 12 ~~place because of a temporary work-related assignment or duty post as a result~~
 13 ~~of their performing duties in connection with their status as military~~
 14 ~~personnel or students;~~

15 ~~(C)~~(B) Persons who are covered by the Uniformed and
 16 Overseas Citizens Absentee Voting Act;

17 ~~(D)~~(C) Persons covered by the Voting Accessibility for the
 18 Elderly and Handicapped Act; ~~or~~

19 ~~(E)~~(D) Persons who are entitled to vote otherwise than in
 20 person under any other federal law;

21 (E) Persons who register to vote by mail and submit as
 22 part of the registration any of the identification documents listed in
 23 subdivision (d)(1); or

24 (F) Persons who register to vote by mail, and submit with
 25 the registration either a driver's license number or at least the last four
 26 (4) digits of the individual's social security number, and with respect to
 27 whom a state or local election official matches the license number or social
 28 security number with an existing state identification record bearing the same
 29 number, name, and date of birth as provided in the registration.

31 SECTION 3. Arkansas Code § 7-5-202 is amended to read as follows:

32 § 7-5-202. Public notice of elections.

33 (a) It shall be the duty of the county board of election commissioners
 34 at least twenty (20) days before each preferential primary and general
 35 election and ten (10) days before the holding of each general primary,
 36 general runoff, or special election to give public notice in a newspaper of

1 general circulation in the county of the ~~time and~~ date of the election, the
2 hours of voting on election day, polling sites for holding the elections in
3 the county, and the candidates and offices to be elected at that time.

4 (b) At least five (5) days prior to a preferential primary, general
5 primary, general election, general runoff, or special election, a copy of the
6 public notice may be posted at each polling site fixed for holding the
7 election and shall be published in a newspaper of general circulation in the
8 county.

9 (c) On the day of any election, the following information shall be
10 posted at each polling site and remain posted continuously therein until the
11 polls close:

12 (1) The public notice required in subsection (a) of this
13 section;

14 (2) A sample version of the ballot or ballots that will be used
15 for that election;

16 (3) Instructions on how to vote, including how to cast a
17 provisional ballot;

18 (4) General information on voting rights under applicable
19 federal and state laws, including information on the right of an individual
20 to cast a provisional ballot and instructions on how to contact the
21 appropriate officials if these rights are alleged to have been violated; and

22 (5) General information on federal and state laws regarding
23 prohibitions on acts of fraud and misrepresentation.

24 (d) The Secretary of State shall provide to each county board of
25 election commissioners and each county clerk the information to be posted at
26 each polling site according to § 7-5-202(b)(4) and (5).

27
28 SECTION 4. Arkansas Code § 7-5-305(a)(8), concerning requirements for
29 voting, is amended to read as follows:

30 (8)(A) Request the voter for purposes of identification to
31 provide a ~~valid driver's license, photo identification card issued by a~~
32 ~~governmental agency, voter card, social security card, birth certificate,~~
33 ~~United States passport, employee identification card issued by a governmental~~
34 ~~agency containing a photograph, employee identification card issued in the~~
35 ~~normal course of business of the employer, student identification card,~~
36 ~~Arkansas hunting license, or United States military identification card, a~~

1 current and valid photo identification, or a copy of a current utility bill,
 2 bank statement, government check, paycheck, or other government document that
 3 shows the name and address of the voter.

4 (B)(i) If a voter is unable to provide this
 5 identification, the election official shall indicate on the precinct voter
 6 registration list that the voter did not provide identification.

7 (ii) A first time voter who registers by mail
 8 without providing identification when registering, and desires to vote in
 9 person, but who does not meet the identification requirements of subdivision
 10 (a)(8)(A) may cast a provisional ballot.

11 ~~(ii)~~(iii) Following each election, the county board
 12 of election commissioners may review the precinct voter registration lists
 13 and may provide the information of the voters not providing identification at
 14 the polls to the prosecuting attorney.

15 ~~(iii)~~(iv) The prosecuting attorney may investigate
 16 possible voter fraud.

17
 18 SECTION 5. Arkansas Code § 7-5-306(b), concerning precinct voter
 19 registration list, is amended to read as follows:

20 (b) If the voter is not listed on the precinct voter registration list
 21 and the election official is unable to verify the voter's registration with
 22 the county clerk and the voter contends that he or she is a registered voter
 23 in the precinct in which he or she desires to vote and that he or she is
 24 eligible to vote, then the voter may vote a challenged ballot which shall
 25 only be counted upon verification of the voter's registration status by the
 26 county board of election commissioners prior to certification of election,
 27 shall be permitted to cast a provisional ballot as follows:

28 (1) An election official at the polling place shall notify the
 29 individual that the individual may cast a provisional ballot in that
 30 election;

31 (2) The individual shall be permitted to cast a provisional
 32 ballot at that polling place upon the execution of a written affirmation by
 33 the individual before an election official at the polling place stating that
 34 the individual is:

35 (A) A registered voter in the jurisdiction in which the
 36 individual desires to vote; and

1 (B) Eligible to vote in that election;

2 (3) The provisional ballot shall only be counted upon
3 verification of the voter's registration status by the county board of
4 election commissioners before certification of the election; and

5 (4)(1) Whenever a person casts a provisional ballot, the
6 election official shall provide the voter written information that states
7 that the individual who casts a provisional ballot will be able to ascertain
8 whether the vote was counted, and, if not, the reason the vote was not
9 counted, by accessing a toll free telephone number, internet website, or
10 other free access system established by the Secretary of State for that
11 purpose.

12 (2) Access to information about an individual provisional ballot
13 shall be restricted to the individual who cast the ballot.

14
15 SECTION 6. Arkansas Code § 7-5-312(b) and (c), concerning challenging
16 a voter's ballot, are amended to read as follows:

17 (b)(1) When the ballot of any voter is thus challenged, it shall be
18 treated as a provisional ballot, and it shall be the duty of the election
19 officials in the election precinct to make and retain a list of the names of
20 all persons so challenged, and the following procedure shall be followed:

21 (A) The voter shall separate his or her marked ballot and
22 ballot stub;

23 (B) The voter shall place the ~~challenged~~ ballot in a
24 single ~~challenged~~ provisional ballot envelope and seal the envelope; and

25 (C) The voter shall place the ballot stub and the sealed
26 ~~challenged~~ provisional ballot envelope and challenge form in a ~~challenged~~
27 provisional voter envelope; and

28 (2) ~~The~~ All provisional ballots ~~of all challenged persons~~ shall
29 be preserved, secured, and separated from the remaining ballots to the end
30 that the right of any person to vote may be determined later by the county
31 board of election commissioners or the court in which an election contest may
32 thereafter be filed.

33 (c)(1) The county board shall, prior to certification of the results
34 of the election, determine whether the ~~challenged~~ provisional ballots are
35 valid.

36 (2) If, upon examination of any ~~challenged~~ provisional ballots,

1 the county board suspects that a violation of the election laws has occurred,
2 the county board may refer the matter to the prosecuting attorney.

3
4 SECTION 7. Arkansas Code § 7-5-315(7)(B)(ii) is amended to add an
5 additional subdivision to read as follows:

6 (c) Any person who votes in an election as a
7 result of a federal or state court order or any other order extending the
8 time established for closing the polls may only vote in that election by
9 casting a provisional ballot according to the procedure set out in § 7-5-
10 306(b), and the ballot shall be separated and held apart from other
11 provisional ballots cast by those not affected by the order.

12
13 SECTION 8. Arkansas Code § 7-5-403(c), concerning applications for
14 ballots, is amended to read as follows:

15 (c) Citizens of the United States temporarily residing outside the
16 territorial limits of the United States and the District of Columbia, and
17 their spouses and dependents when residing with or accompanying them, may
18 request the absentee ballot for any one (1) or more elections ~~during any one~~
19 ~~(1) calendar year~~ through the next two (2) regularly scheduled general
20 elections for federal office, including any runoff elections which may occur
21 as a result of the outcome of the general elections, by submitting only one
22 (1) application during that ~~calendar year~~ period of time in the manner
23 prescribed by subsection (a) of this section.

24
25 SECTION 9. Arkansas Code § 7-5-406(a), concerning overseas voters, is
26 amended to read as follows:

27 (a) Any qualified elector of this state in any of the following
28 categories who is absent from the place of his or her voting residence may
29 make a request for an absentee ballot by submission of a federal postal card
30 application as provided for in the ~~Overseas Citizens Voting Rights Act of~~
31 ~~1975~~ Uniformed and Overseas Citizens Absentee Voting Act or may use the
32 federal Write-in Absentee Ballot, and may vote by absentee ballot, without
33 registering, in any primary, special, run-off, or general election held in
34 his or her election precinct if he or she is otherwise eligible to vote in
35 that election:

36 (1) Members of the uniformed services of the United States while

1 in active service and their spouses and dependents;

2 (2) Members of the merchant marine of the United States and
3 their spouses and dependents; and

4 (3) Citizens of the United States temporarily residing outside
5 the territorial limits of the United States and the District of Columbia and
6 their spouses and dependents when residing with or accompanying them.

7

8 SECTION 10. Arkansas Code § 7-5-409(b), concerning materials furnished
9 to qualified voters, is amended to read as follows:

10 (b) If the applicant is registered or is otherwise eligible to vote
11 absentee, the county clerk shall deliver or mail to the applicant or deliver
12 pursuant to subsections (d) - (f) of this section to the person who delivers
13 the application to the office of the county clerk pursuant to § 7-5-403 the
14 following materials:

15 (1) An official ballot for each election named in the
16 application;

17 (2) Instructions for voting and returning the ballot to the
18 county clerk;

19 (3) A sealable envelope on which there shall be written or
20 printed the words: "Ballot Only";

21 (4) A sealable envelope upon which shall be printed or written
22 the words: "Return Envelope", the address of the county clerk, the precinct
23 of the voter, and the words: "ABSENTEE BALLOT, ,
24 , ELECTION";

25 (5) A blank voter statement in the following form:

26 "I reside at the address indicated on my application.

27 I have enclosed ~~my ballot stub~~ in the Return Envelope. ~~I have enclosed my~~
28 ~~marked ballot in the Ballot Only envelope, which I will place in the Return~~
29 ~~Envelope.~~

30 (A) My ballot stub;

31 (B) My completed voter statement;

32 (C) A copy of a current and valid photo identification
33 card, or a current utility bill, bank statement, government check, paycheck,
34 or other government document that shows my name and address, if I registered
35 to vote for the first time by mail; and

36 (D) The ballot only envelope containing my marked ballot.

1 I will not vote again in this election.
 2 THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER
 3 PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO
 4 A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN
 5 (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.

6

7 signature of voter

8

9 printed name of voter

10

11 address of voter

12

13 date of birth of voter

14

15 signature of designated bearer, relative or authorized agent

16

17 address of designated bearer, relative or authorized agent."; and

18 (6) An authorized agent authorization form, which may be printed
 19 on the back of the voter statement, as follows:

20 "AGENT AUTHORIZATION FORM

21 If applicable, fill out and sign this form and place it in the Return
 22 Envelope

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

28

29 Signature of voter

30

31 printed name of voter

32

33 date of birth of voter"

34

35 SECTION 11. Arkansas Code § 7-5-412 is amended to read as follows:

36 § 7-5-412. Marking and return of ballots - Delivery of mailed ballots.

1 (a) Upon receiving the blank ballot, statement, and envelopes, whether
2 in the office of the county clerk or elsewhere, the voter shall mark the
3 ballot, tear off the lower ballot stub end, and place the ballot in the
4 provided envelope. He or she shall then seal the envelope containing the
5 ballot and place it ~~with his executed statement and the ballot stub~~ in the
6 other provided outer envelope, with the following:

7 (1) The executed voter statement;

8 (2) The ballot stub; and

9 (3) A copy of a current and valid photo identification, or a
10 copy of a current utility bill, bank statement, government check, paycheck,
11 or other government document that shows the name and address of the *first*
12 *time* voter, for first time voters who registered by mail. However, this
13 requirement does not apply if:

14 (A) The voter registered to vote by mail and provided the
15 identification at that time; or

16 (B) The first time voter registered to vote by mail and
17 submitted his or her driver's license number or at least the last four (4)
18 digits of his or her social security number at the time, and this information
19 matches the information in an existing state identification record bearing
20 the same number, name, and date of birth as provided in the registration.

21 (b) The envelope containing ballot, ballot stub, identification, if
22 applicable, and voter's statement must be received in the office of the
23 county clerk not later than 7:30 p.m. on the day of the election.

24 (c) An individual who desires to cast an absentee ballot but who does
25 not meet the identification requirements of subdivision (a)(3) may cast a
26 ballot by mail and the ballot shall be considered as a provisional ballot.

27 ~~(e)~~(d) Ballots by mail shall be counted if received no later than the
28 time the polls close on election day. Ballots received by mail on election
29 day, and before the polls close, shall be delivered promptly by the county
30 clerk to the election officials designated to canvass and count absentee
31 ballots.

32
33 SECTION 12. Arkansas Code § 7-5-416(b), concerning counting absentee
34 ballots, is amended to read as follows:

35 (b)(1) The opening, counting, and canvassing shall be conducted as
36 follows:

1 (A) One (1) of the election officials shall open outer
2 absentee ballot envelopes one (1) by one (1), and, as soon as he or she opens
3 one (1), he or she shall read aloud from the statement in the envelope the
4 name of the voter and the voting precinct in which the voter claims to be a
5 legal voter;

6 (B) As each outer envelope is opened and the name of the
7 voter is read, the election officials for the absentee box shall list in
8 *duplicate the name and voting precinct of the voter* ~~and shall write on the~~
9 ~~stub end of the ballot taken from the outer envelope the number of the voter~~
10 ~~taken from this list of voters;~~

11 (C) After the election official reads aloud from the
12 statement, the election officials shall compare the name, address, date of
13 birth, and signature of the voter's absentee application ~~and~~ with the voter's
14 statement and, for first time voters who registered by mail, the first time
15 voter's identification document, unless the voter previously provided
16 identification at the time of mailing the voter registration application. If
17 the application and the voter's statement do not compare as to name, address,
18 date of birth, and signature, or if the first time voter failed to provide
19 the required identification with the ballot or at the time of mailing the
20 voter registration application, the absentee application, absentee ballot
21 envelope, and voter's statement shall be placed in an envelope marked
22 "~~challenged~~" "provisional". The election official shall record the reason for
23 the challenge on the envelope, and it shall be referred to the board. The
24 board shall determine whether the voter is qualified and whether or not the
25 vote shall be counted;

26 (D) If no challenge is made, ~~and if the statement is in~~
27 ~~proper form,~~ the election official shall, without opening the inner envelope
28 containing the ballot, remove the inner envelope and place it in the ballot
29 box without marking it in any way. ~~Proper form shall include the voter's~~
30 ~~signature;~~

31 (E) The ballot stub ends shall be placed in a separate
32 ballot box designated for them and retained as are other ballot stub ends;

33 (F)(i) After all of the outer envelopes have been opened
34 and a list has been made in duplicate of the name and voting precinct of the
35 voters, as required in this section, the election officials of the absentee
36 box shall preserve all the statements of voters and the voters'

1 identification documents and deliver them to the county clerk, who shall file
 2 and keep them for the same length of time after the election as is required
 3 for retention of other ballots, ~~and the~~.

4 (ii) The voter statements shall be made available
 5 for public inspection during regular business hours, ~~+~~.

6 (iii) The voters' identification documents shall not
 7 be subject to public inspection except as part of a judicial proceeding to
 8 contest the election;

9 (G) When all of the inner envelopes containing the ballots
 10 have been placed in the ballot box and the ballot stub ends have been
 11 deposited in a separate box, the ballot box shall be shaken thoroughly to mix
 12 the ballots; and

13 (H) The ballot box shall be opened and the ballots
 14 canvassed and counted, ~~;~~ and

15 (2) No election results shall be printed or released prior to
 16 the closing of the polls.

17
 18 SECTION 13. Arkansas Code § 7-5-707 is amended to read as follows:
 19 § 7-5-707. Vote certification - Report.

20 (a)(1) At the time that the county board of election commissioners
 21 certifies the vote to the Secretary of State, the county board shall report
 22 to the State Board of Election Commissioners ~~the total number of:~~

23 (A) The total number of ballots cast;

24 ~~(1)(B) Ballots~~ The total number of ballots printed and
 25 delivered to the polls;

26 ~~(2)(C) Challenged~~ The total number of provisional ballots
 27 that were disqualified;

28 ~~(3)(D) Spoiled~~ The total number of spoiled ballots; ~~and~~

29 ~~(4)(E) Unused~~ The total number of unused ballots, ~~;~~ and

30 (F)(1) The name of the provisional voter for each
 31 provisional ballot cast, whether the vote was counted and if the vote was not
 32 counted, the reason it was not counted.

33 (2) Information in subdivision (a)(1)(F) shall not be disclosed
 34 to the public, but shall be available to the voter who cast the provisional
 35 ballot according to § 7-5-306(b)(4).

36 (b) Within thirty (30) calendar days after any election, the county

1 board shall report to the state board the number of over-votes and under-
2 votes cast in the election.

3 (c)(1) The county board of election commissioners shall transmit the
4 certified results for each polling place to the county clerk, who shall
5 immediately transmit the results to the Secretary of State through the
6 internet website interface provided by the Secretary of State for all state
7 and federal elections.

8 (2) The county board of election commissioners shall transmit
9 the information required according to subsection (a) of this section to the
10 county clerk who shall enter and transmit it to the State Board of Election
11 Commissioners through the Secretary of State internet website interface.

12
13 *SECTION 14. Arkansas Code § 7-4-101(f), concerning the state board of*
14 *election commissioners, is amended to read as follows:*

15 *(f) The state board shall perform the following duties:*

16 *(1) Publish a candidate's election handbook, in conjunction with*
17 *the office of the Secretary of State and the Arkansas Ethics Commission,*
18 *which outlines in a readable and understandable format the legal obligations*
19 *of a candidate and any other suggestions that might be helpful to a candidate*
20 *in complying with state election law;*

21 *(2) Conduct statewide training for election officials and county*
22 *election commissioners;*

23 *(3) Adopt all necessary rules and regulations regarding training*
24 *referred to in subdivision (f)(2) of this section and develop procedures for*
25 *monitoring attendance;*

26 *(4) Monitor all election law-related legislation;*

27 *(5) Review citizen complaints regarding violations of election*
28 *and voter registration laws and forward them to the proper authorities,*
29 *except as to § 7-1-103(a)(1)-(4), (6), and (7) or except for any matter*
30 *relating to campaign finance and disclosure laws, which the Arkansas Ethics*
31 *Commission shall have the same power and authority to enforce as is provided*
32 *the commission under §§ 7-6-217 and 7-6-218 for the enforcement of campaign*
33 *finance laws;*

34 *(6) Develop procedures for reviewing and forwarding citizen*
35 *complaints referred to in subdivision (f)(5) of this section;*

36 *(7) Formulate, adopt, and promulgate all necessary rules and*

1 regulations to assure even and consistent application of voter registration
2 laws and fair and orderly election procedures;

3 (8)(A) Appoint certified election monitors to any county upon a
4 signed, written request under oath filed with the state board and a
5 determination by the state board that appointing a monitor is necessary.

6 (B) Certified election monitors shall serve as observers
7 for the purpose of reporting to the state board on the conduct of the
8 election.

9 (C) The state board may allow for reasonable compensation
10 for election monitors;

11 (9) Assist the county board of election commissioners in the
12 performance of the administrative duties of the election process if the state
13 board determines that assistance is necessary and appropriate;

14 (10)(A) Formulate, adopt, and promulgate all necessary rules and
15 regulations to establish uniform and nondiscriminatory administrative
16 complaint procedures consistent with the requirements of Title IV of the
17 federal Help America Vote Act.

18 (B) The cost of compliance with Title IV of the federal
19 Help America Vote Act shall be paid from the fund established to comply with
20 the federal Help America Vote Act.

21 ~~(10)~~(11) If the state board finds a violation of election and
22 voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), or
23 except for any matters relating to campaign finance and disclosure laws which
24 the commission shall have the same power and authority to enforce under §§ 7-
25 6-217 and 7-6-218 for the enforcement of campaign finance laws, the state
26 board may do one (1) or more of the following:

27 (A) Issue a public letter of caution or warning or
28 reprimand;

29 (B)(i) Impose a fine of not less than twenty-five dollars
30 (\$25.00) nor more than one thousand dollars (\$1,000) for negligent or
31 intentional violation of this subchapter.

32 (ii) The state board shall adopt rules governing the
33 imposition of such fines in accordance with the provisions of the Arkansas
34 Administrative Procedure Act, § 25-15-201 et seq.

35 (iii) All moneys received by the state board in
36 payment of fines shall be deposited in the State Treasury as general

1 revenues; or

2 (C) Report its finding, along with such information and
3 documents as it deems appropriate, and make recommendations to the proper law
4 enforcement authorities;

5 ~~(11)~~(12) The state board shall complete its investigation of a
6 complaint filed pursuant to this section within no later than ninety (90)
7 days of the filing of the complaint; and

8 ~~(12)~~(13) Any final action of the state board under this section
9 shall constitute an adjudication for purposes of judicial review under § 25-
10 15-212.

11 /s/ Faris, et al

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14 APPROVED: 4/1/2003
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