

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.
Act 138 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1323

5 By: Representatives Edwards, Pritchard, L. Smith
6 By: Senator Madison
7

For An Act To Be Entitled

10 AN ACT CONCERNING THE OPENING, PROCESSING,
11 CANVASSING, AND COUNTING OF ABSENTEE BALLOTS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT CONCERNING THE OPENING,
15 PROCESSING, CANVASSING, AND COUNTING OF
16 ABSENTEE BALLOTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 7-5-202(a), concerning public notice of
23 election information, is amended to read as follows:

24 (a) It shall be the duty of the county board of election commissioners
25 at least twenty (20) days before each preferential primary and general
26 election and ten (10) days before the holding of each general primary,
27 general runoff, or special election to give public notice in a newspaper of
28 general circulation in the county of:

29 (1) the The date of the election;;

30 (2) the The hours of voting on election day;;

31 (3) polling Polling sites for holding the elections in the
32 county, ~~and~~

33 (4) the The candidates and offices to be elected at that time;
34 and

35 (5) The time and location of the opening, processing,



1 canvassing, and counting of absentee ballots.

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3 SECTION 2. Arkansas Code § 7-5-416 is amended to read as follows:

4 7-5-416. Counting of absentee ballots.

5 (a)(1) The election officials for absentee ballots shall meet in the
6 courthouse in a place designated by the county board of election
7 commissioners on election day for the purpose of processing absentee ballots.

8 (2) The county board shall ~~post at the county clerk's office the~~
9 ~~time and location of the opening, processing, canvassing, and counting of~~
10 ~~absentee ballots~~ give public notice of the time and location of the opening,
11 processing, canvassing, and counting of absentee ballots as provided in § 7-
12 5-202.

13 (3) The county clerk shall forward the absentee ballot
14 applications sorted alphabetically or by precinct to the election officials
15 for absentee ballots.

16 (4) The counting of absentee ballots shall be open to the
17 public, and candidates and political parties may be present in person or by a
18 representative designated in writing pursuant to § 7-5-312 during the
19 opening, processing, canvassing, and counting of the absentee ballots as
20 provided in this subchapter.

21 (5) ~~No absentee~~ Absentee or early votes ~~shall~~ may be counted
22 prior to the closing of the polls on election day.

23 (b)(1) The opening, processing, counting, and canvassing of absentee
24 ballots shall be conducted as follows:

25 (A) One (1) of the election officials shall open outer
26 absentee ballot envelopes one (1) by one (1) and verify the contents;

27 (B) If the required materials are properly placed in the
28 outer absentee ballot envelope, the election official shall proceed to read
29 aloud from the voter statement the name of the voter and the voting precinct
30 in which the voter claims to be a legal voter;

31 (C) If the required materials are not properly placed in
32 the outer absentee ballot envelope, a second election official shall open the
33 inner absentee ballot envelope to verify the contents;

34 (D) If all required materials are present within one (1)
35 or the other envelopes, the election officials shall put the materials in the
36 proper envelopes while preserving the secrecy of the voter's ballot and shall

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

3 (E) As each outer envelope is opened and the name of the
 4 voter is read, the election officials for the absentee box shall list in
 5 duplicate the name and voting precinct of the voter;

6 (F)(i) After the election official reads aloud from the
 7 statement, the election officials shall compare the name, address, date of
 8 birth, and signature of the voter's absentee application with the voter's
 9 statement and, for first-time voters who registered by mail, the first-time
 10 voter's identification document unless the voter previously provided
 11 identification at the time of mailing the voter registration application.

12 (ii) If the application and the voter's statement do
 13 not compare as to name, address, date of birth, and signature, or if the
 14 first-time voter failed to provide the required identification with the
 15 ballot or at the time of mailing the voter registration application, the
 16 absentee application, absentee ballot envelope, and voter's statement shall
 17 be placed in an envelope marked "provisional";

18 (G) If the absentee voter fails to return the required
 19 materials, the contents of both envelopes shall be placed in an envelope
 20 marked "provisional";

21 (H)(i) The election official shall record the reason for
 22 the challenge on the envelope, and it shall be referred to the county board.

23 (ii) The county board shall determine whether the
 24 voter is qualified and whether or not the vote shall be counted;

25 (I) Failure of the voter to submit the required absentee
 26 materials in the proper envelopes shall not be grounds for challenging the
 27 ballot;

28 (J) If no challenge is made, the election official shall,
 29 without opening the inner envelope containing the ballot, remove the inner
 30 envelope and place it in the ballot box without marking it in any way;

31 (K) 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 (L)(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.

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 (M) 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 (N) The ballot box shall be opened and the ballots
14 canvassed and counted.

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

17 (c) If any person casting an absentee ballot dies before the polls
18 open on election day, his or her vote shall not be counted.

19 (d) It is the intent of this section to permit the election officials
20 for absentee ballots to meet and process, canvass, and count absentee ballots
21 according to this section prior to the closing of the polls on election day.

22 (e) Absentee votes may be cast on paper ballots or ballot cards, or
23 both methods may be used.

24 (1) The ballots shall first be counted for write-in votes by the
25 election officials. Then, the ballots may be either hand counted or
26 automatically counted on an electronic system, whichever is ~~most~~ more
27 convenient.

28 (2) Election officials may make a true copy of absentee paper
29 ballots on ballot cards which, after being verified in the presence of
30 witnesses, shall be counted in the same manner as other ballot cards.

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33 APPROVED: 2/11/2005
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