

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  
2 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H3/20/03

# A Bill

Act 1202 of 2003  
HOUSE BILL 2641

5 By: Representative King  
6  
7

## For An Act To Be Entitled

9 AN ACT TO REVISE THE ABSENTEE VOTER APPLICATION  
10 FORM; TO REVISE THE MATERIALS FURNISHED TO  
11 ABSENTEE VOTERS; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO REVISE THE ABSENTEE VOTER  
15 APPLICATION FORMS AND MATERIALS  
16 FURNISHED TO ABSENTEE VOTERS.  
17  
18

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

21 SECTION 1. Arkansas Code § 7-5-405 is amended to read as follows:

22 7-5-405. Application form.

23 (a)(1) Applications for absentee ballots may be made on a form or  
24 forms prescribed by the Secretary of State and furnished by the county clerk,  
25 ~~and the county clerk shall supply a form substantially similar to the~~  
26 ~~following form or an electronic facsimile of a substantially similar form via~~  
27 ~~telephonic transmission on request~~ at least sixty (60) days before the  
28 election+.

29 (2) The form or forms shall contain the following information:

30 (A) The following statement:

31 "IF YOU PROVIDE FALSE INFORMATION ON THIS FORM, YOU MAY BE GUILTY OF  
32 PERJURY AND SUBJECT TO A FINE OF UP TO \$10,000 OR IMPRISONMENT FOR UP TO 10  
33 YEARS.";

34 ..... Date

35 — To: — County Clerk

36 ..... County



1 ~~....., Arkansas.....~~

2 ~~(1) I am a qualified elector of precinct..... in.....~~

3 ~~(City, Town),..... County, Arkansas. Because I:~~

4 ~~—[check one]~~

5 ~~—[ ] Will be unavoidably absent from my polling site on election day, or~~

6 ~~—[ ] Will be unable to attend the polls on election day because of illness~~

7 ~~or physical disability,~~

8 ~~—I am requesting that you provide me with the appropriate absentee~~

9 ~~ballot(s) for the following elections: (check only one (1) political party):~~

10 ~~[ ] Nonpartisan Judicial General Election~~

11 ~~[ ] Preferential Primary~~

12 ~~[ ] Democratic/ Nonpartisan Judicial General Election~~

13 ~~[ ] Republican/ Nonpartisan Judicial General Election~~

14 ~~[ ] General Primary (Runoff) [ ] Democratic [ ] Republican~~

15 ~~[ ] Annual School Election~~

16 ~~[ ] General Election~~

17 ~~[ ] General Runoff~~

18 ~~[ ] Special [ ] School Runoff~~

19 ~~[ ] All elections for calendar year..... [designate party] (I understand~~

20 ~~that if I select all elections for the calendar year that the absentee~~

21 ~~ballots will be delivered to me only by mail.)~~

22 ~~The application shall remain in effect for the current calendar year unless~~

23 ~~revoked by voter.~~

24 ~~(2) I will receive my ballot(s): [check one]~~

25 ~~[ ] By coming to the office of the county clerk by the time the county~~

26 ~~clerk's office regularly closes on the day before the election.~~

27 ~~[ ] By mail. I request that you mail my ballot(s) to the following address:~~

28 ~~.....~~

29 ~~.....~~

30 ~~[ ] By bearer..... (insert name of relative, agent, or~~

31 ~~designated bearer)~~

32 ~~The information I have provided is true to the best of my knowledge under~~

33 ~~penalty of perjury. If I have provided false information, I may be subject to~~

34 ~~a fine of up to ten thousand dollars (\$10,000) or imprisonment for up to ten~~

35 ~~(10) years, or both, under federal or state laws.~~

36 ~~.....~~

1 ~~Printed or typed name of voter~~ ~~Signature of voter~~

2 .....

3 ~~Residence address of voter~~ ~~Date of birth~~

4 .....

5 ~~City or Town, Zipcode~~ ~~Signature of Designated Bearer, Relative, or~~  
6 ~~Authorized Agent."~~

7 (B) A statement in which the voter must indicate that he  
8 or she is requesting an absentee ballot because he or she will be:

9 (i) Unavoidably absent from the polling site on  
10 election day;

11 (ii) Unable to attend the polls on election day  
12 because of illness or physical disability; or

13 (iii) Unable to attend the polls on election day  
14 because of residence in a long-term care or residential facility licensed by  
15 the state;

16 (C) A statement by the voter indicating whether he or she  
17 resides outside the county;

18 (D) A statement indicating whether the voter is a United  
19 States citizen or spouse or dependent residing outside the territorial limits  
20 of the United States or District of Columbia;

21 (E) Mailing information for the ballot, or the name and  
22 signature of a relative, agent, or designated bearer;

23 (F) The voter's political party;

24 (G) The date, the voter's printed or typed name, voting  
25 residence address, date of birth, and the voter's signature attesting to the  
26 correctness of the information provided, under penalty of perjury; and

27 (H) The election in which the voter wishes to cast a  
28 ballot.

29 (b) The Secretary of State may prescribe separate absentee ballot  
30 application forms for:

31 (1)(A) Persons who reside within the county in which they are  
32 registered to vote and will be unavoidably absent from the polls on the date  
33 of the election.

34 (B) The application shall be valid for one election cycle  
35 which includes any one election and the corresponding run-off election;

36 (2)(A) Persons whose application would be valid for one (1)

1 calendar year.

2 (B) This includes the following:

3 (i) Persons who reside outside the county in which  
4 they are registered to vote;

5 (ii) Persons in long-term care or residential  
6 facilities licensed by the state; and

7 (iii) Disabled voters; and

8 (3)(A) Persons whose application would be valid through the next  
9 two (2) regularly scheduled general elections for federal office, including  
10 any resulting runoff elections, if requested by the voter.

11 (B) This shall include citizens of the United States  
12 temporarily residing outside the territorial limits of the United States and  
13 District of Columbia, and their spouses and dependents when residing with or  
14 accompanying them.

15 ~~(b)~~(c) Any person may distribute blank applications for absentee  
16 ballots.

17  
18 SECTION 2. Arkansas Code § 7-5-409(b), concerning the materials  
19 furnished to qualified voters, is amended to read as follows:

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

25 (1) An official ballot for each election named in the  
26 application;

27 (2) Instructions for voting and returning the ballot to the  
28 county clerk;

29 (3)(A) A ~~sealable~~ ballot secrecy envelope on which there shall  
30 be written or printed the words: "Ballot Only"; and on which shall be printed  
31 a blank voter statement containing the following information:  
32 "I reside at the address indicated on my application. I have enclosed in the  
33 return envelope:

34 (i) My ballot stub;

35 (ii) My completed voter statement;

36 (iii) A copy of a current and valid photo

1 identification card, or current utility bill, bank statement, government  
2 check, paycheck, or other government document that show my name and address,  
3 if I registered to vote for the first time by mail; and

4 (iv) The ballot only envelope containing my marked  
5 ballot; and

6 THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER  
7 PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT  
8 TO A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO  
9 TEN (10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS."

10 (B) Blanks shall be provided for the voter to provide his  
11 or her printed name, signature, address, date of birth, signature of  
12 relative, authorized agent, or designated bearer, and address of the  
13 relative, authorized agent, or designated bearer; and

14 (4) A sealable envelope upon which shall be printed or written  
15 the words: "Return Envelope", the address of the county clerk, the precinct  
16 of the voter, and the words: "ABSENTEE BALLOT, ..... ,  
17 ..... , ELECTION"; and

18 ~~(5) A blank voter statement in the following form:~~  
19 ~~"I reside at the address indicated on my application.~~  
20 ~~I have enclosed my ballot stub in the Return Envelope. I have enclosed my~~  
21 ~~marked ballot in the Ballot Only envelope, which I will place in the Return~~  
22 ~~Envelope. I will not vote again in this election.~~

23  
24 ~~THE INFORMATION I HAVE PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE UNDER~~  
25 ~~PENALTY OF PERJURY. IF I HAVE PROVIDED FALSE INFORMATION, I MAY BE SUBJECT TO~~  
26 ~~A FINE OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR IMPRISONMENT FOR UP TO TEN~~  
27 ~~(10) YEARS, OR BOTH, UNDER FEDERAL OR STATE LAWS.~~

28 ~~.....~~  
29 ~~signature of voter~~

30 ~~.....~~  
31 ~~printed name of voter~~

32 ~~.....~~  
33 ~~address of voter~~

34 ~~.....~~  
35 ~~date of birth of voter~~

36 ~~.....~~

1 ~~signature of designated bearer, relative or authorized agent~~

2 ~~.....~~

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

4 ~~(6)(5) An authorized agent authorization form, which may be~~  
5 ~~printed on the back of the voter statement, as follows:~~

6 "AGENT AUTHORIZATION FORM

7 If applicable, fill out and sign this form and place it in the Return  
8 Envelope

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

14 .....

15 Signature of voter

16 .....

17 printed name of voter

18 .....

19 date of birth of voter".

20

21 /s/ King

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24 APPROVED: 4/9/2003

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