

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: H2/11/03

A Bill

Act 1275 of 2003
HOUSE BILL 1305

5 By: Representative King
6
7

For An Act To Be Entitled

9 AN ACT TO MODIFY THE NUMBER OF BALLOTS A
10 DESIGNATED BEARER MAY PICK UP FOR ANOTHER VOTER
11 AND THE NUMBER OF BALLOTS A DESIGNATED BEARER MAY
12 DELIVER TO THE COUNTY CLERK PER ELECTION; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 AN ACT TO MODIFY THE NUMBER OF BALLOTS A
16 DESIGNATED BEARER MAY PICK UP FOR
17 ANOTHER VOTER AND THE NUMBER OF BALLOTS
18 A DESIGNATED BEARER MAY DELIVER TO THE
19 COUNTY CLERK.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code § 7-5-405(a), concerning applications for*
26 *absentee ballots, is amended to read as follows:*

27 *(a) Applications for absentee ballots may be made on a form furnished*
28 *by the county clerk, and the county clerk shall supply a form substantially*
29 *similar to the following form or an electronic facsimile of a substantially*
30 *similar form via telephonic transmission on request at least sixty (60) days*
31 *before the election:*

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

35 *..... Date*

36 *To: County Clerk*



1 County
2, Arkansas

3 (1) I am a qualified elector of precinct in
4 (City, Town), County, Arkansas. Because I:

5 [check one]

6 [] Will be unavoidably absent from my polling site on election day, or

7 [] Will be unable to attend the polls on election day because of illness or
8 physical disability,

9 I am requesting that you provide me with the appropriate absentee ballot(s)
10 for the following elections: (check only one (1) political party):

11 [] Nonpartisan Judicial General Election

12 [] Preferential Primary

13 [] Democratic/ Nonpartisan Judicial General Election

14 [] Republican/ Nonpartisan Judicial General Election

15 [] General Primary (Runoff) [] Democratic [] Republican

16 [] Annual School Election

17 [] General Election

18 [] General Runoff

19 [] Special [] School Runoff

20 [] All elections for calendar year [designate party] (I understand
21 that if I select all elections for the calendar year that the absentee
22 ballots will be delivered to me only by mail.)

23 The application shall remain in effect for the current calendar year
24 unless revoked by voter.

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

26 [] By coming to the office of the county clerk by the time the county
27 clerk's office regularly closes on the day before the election.

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

29
30

31 [] By bearer (insert name of ~~relative, agent, or~~
32 designated bearer, administrator, or authorized agent)

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

1
 2
 3 Printed or typed name of voter Signature of voter
 4
 5
 6 Residence address of voter Date of birth
 7
 8 City or Town, Zip code Signature of Designated Bearer, ~~Relative~~
 9 Administrator, or Authorized Agent."

11 SECTION 2. Arkansas Code § 7-5-409(a)-(c), concerning materials
 12 furnished to qualified voters, is amended to read as follows:

13 (a)(1) The county clerk must satisfy himself that the applicant for an
 14 absentee ballot is a qualified registered elector in the ward, precinct, or
 15 township in which he claims to be a resident or that the applicant is
 16 exempted from registration under § 7-5-406.

17 (A) The county clerk shall verify that the application has
 18 been properly signed by the applicant and if necessary the designated bearer,
 19 ~~relative~~ administrator, or authorized agent. If the application is not
 20 properly signed, the application shall be rejected by the county clerk.

21 (B) The county clerk shall notify the applicant of the
 22 reason for the rejection.

23 (2) If the county clerk is unable to contact the applicant to
 24 cure the deficiency, the county clerk shall forward the application with the
 25 reason for the rejection to the county board of election commissioners. The
 26 board shall determine whether the applicant is a qualified elector.

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

- 32 (1) An official ballot for each election named in the
- 33 application;
- 34 (2) Instructions for voting and returning the ballot to the
- 35 county clerk;
- 36 (3) A sealable envelope on which there shall be written or

1 printed the words: "Ballot Only";

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

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

7 "I reside at the address indicated on my application.
8 I have enclosed my ballot stub in the Return Envelope. I have enclosed my
9 marked ballot in the Ballot Only envelope, which I will place in the Return
10 Envelope. I will not vote again in this election.

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

15

16 signature of voter

17

18 printed name of voter

19

20 address of voter

21

22 date of birth of voter

23

24 signature of designated bearer, ~~relative~~ administrator, or authorized agent

25

26 address of designated bearer, ~~relative~~ administrator or authorized agent.";

27 and

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

30 "AGENT AUTHORIZATION FORM

31 If applicable, fill out and sign this form and place it in the Return
32 Envelope

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

1 application.
 2
 3 Signature of voter
 4
 5 printed name of voter
 6
 7 date of birth of voter"

8 (c)(1) Except for absentee ballots mailed to an address outside the
 9 county in which the applicant is registered, an absentee ballot shall be
 10 mailed to the address that appears on the applicant's registration record or
 11 absentee ballot application if the voter is temporarily at a different
 12 address.

13 (2) The county clerk shall not mail more than ~~five (5)~~ two (2)
 14 absentee ballots to the same address unless:

15 (A) The address is outside the territorial limits of the
 16 United States and the District of Columbia;

17 (B) The address is for a long-term care or residential
 18 care facility licensed by the state;

19 (C) There are more than ~~five (5)~~ two (2) persons lawfully
 20 registered at the same address.

21

22 SECTION 3. Arkansas Code § 7-5-409 (f)-(h), concerning materials
 23 furnished to qualified voters, is amended to read as follows:

24 (f) The county clerk shall not provide more than ~~five (5) absentee~~
 25 ~~ballots~~ two (2) absentee ballots per election to any designated bearer, nor
 26 shall the county clerk accept delivery of more than ~~five (5) absentee ballots~~
 27 two (2) absentee ballots per election from any designated bearer.

28 (g) The county clerk shall not deliver in person or by any other means
 29 of transmittal more than ~~five (5) absentee ballots~~ two (2) absentee ballots
 30 per election to the individual authorized to receive the absentee ballots
 31 unless+

32 ~~(1) There~~ there are more than ~~five (5)~~ two (2) persons lawfully
 33 registered at the same address as the individual obtaining the absentee
 34 ballots, in which case the individual may only receive the same number of
 35 absentee ballots as persons lawfully registered at the same address; ~~or.~~

36 ~~(2) There are more than five (5) persons lawfully registered at~~

1 ~~the address for which the designated bearer or authorized agent is obtaining~~
2 ~~the absentee ballots, in which case the designated bearer may only receive~~
3 ~~the same number of absentee ballots as persons lawfully registered at the~~
4 ~~same address.~~

5 (h) A designated bearer shall only be allowed to pick up ~~five (5)~~ two
6 (2) absentee ballots from the county clerk per election and shall only be
7 allowed to do so during the fifteen (15) days prior to a preferential or
8 general election and seven (7) days prior to a general primary election.

9
10 SECTION 4. Arkansas Code § 7-5-411(a)(2), concerning methods of voting
11 absentee, is amended to read as follows:

12 (2)(A) By delivery of the ballot to the county clerk of the
13 county of residence of the voter not later than 7:30 p.m. on election day by
14 ~~a relative of the voter, the designated bearer, administrator, or the~~
15 ~~authorized agent~~ of the absentee voter who is medically unable to vote at the
16 regular polling site upon proper verification of the signature of the voter
17 by the county clerk and validation of the identity of the authorized agent.

18 (B)(i) ~~The designated bearer, administrator, or~~
19 ~~authorized agent, or relative~~ shall sign documentation upon delivery of
20 absentee ballots to the county clerk.

21 (ii) However, no person may deliver absentee ballots
22 to the clerk's office for more than ~~five (5)~~ two (2) persons; or

23
24 /s/ King

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27 APPROVED: 4/11/2003
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