

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: H3/31/03*

# A Bill

Act 1744 of 2003  
HOUSE BILL 2022

5 By: Representatives Judy, *King*  
6  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING REVISIONS TO THE ABSENTEE  
10 VOTING PROCEDURES; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 AN ACT CONCERNING REVISIONS TO THE  
13 ABSENTEE VOTING PROCEDURES.  
14  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18  
19  
20  
21

22 *SECTION 1.* Arkansas Code § 7-5-416(b) through (d), concerning counting  
23 *absentee ballots, is amended to read as follows:*

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

26 (A) One (1) of the election officials shall open outer  
27 absentee ballot envelopes one (1) by one (1), ~~and, as soon as he opens one~~  
28 ~~(1), he shall read aloud from the statement in the envelope the name of the~~  
29 ~~voter and the voting precinct in which the voter claims to be a legal voter;~~  
30 and verify the contents;

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

35 (C) If the required materials are not properly placed in  
36 the outer absentee ballot envelope, a second election official shall open the



1 inner absentee ballot envelope to verify the contents;

2 (D) If all required materials are present within one (1)  
3 or the other envelopes, the election officials shall put the materials in the  
4 proper envelopes while preserving the secrecy of the voter's ballot and shall  
5 proceed to read aloud from the voter statement the name of the voter and the  
6 voting precinct in which the voter claims to be a legal voter;

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

12 ~~(G)(F)(i)~~ After the election official reads aloud from  
13 the statement, the election officials shall compare the name, address, date  
14 of birth, and signature of the voter's absentee application ~~and with~~ the  
15 voter's statement and, for first time voters who registered by mail, the  
16 first time voter's identification document, unless the voter previously  
17 provided identification at the time of mailing the voter registration  
18 application.

19 (ii) If the application and the voter's statement do  
20 not compare as to name, address, date of birth, and signature, or if the  
21 first time voter failed to provide the required identification with the  
22 ballot or at the time of mailing the voter registration application, the  
23 absentee application, absentee ballot envelope, and voter's statement shall  
24 be placed in an envelope marked "challenged" "provisional". ~~The election~~  
25 ~~official shall record the reason for the challenge on the envelope, and it~~  
26 ~~shall be referred to the board. The board shall determine whether the voter~~  
27 ~~is qualified and whether or not the vote shall be counted;~~

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

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

33 (ii) The board shall determine whether the voter is  
34 qualified and whether or not the vote shall be counted;

35 (I) Failure of the voter to submit the required absentee  
36 materials in the proper envelopes shall not be grounds for challenging the

1 ballot;

2 ~~(D)(J)~~ If no challenge is made, ~~and if the statement is in~~  
 3 ~~proper form,~~ the election official shall, without opening the inner envelope  
 4 containing the ballot, remove the inner envelope and place it in the ballot  
 5 box without marking it in any way; ~~Proper form shall include the voter's~~  
 6 ~~signature;~~

7 ~~(E)(K)~~ The ballot stub ends shall be placed in a separate  
 8 ballot box designated for them and retained as are other ballot stub ends;

9 ~~(F)(L)(i)~~ After all of the outer envelopes have been  
 10 opened and a list has been made in duplicate of the name and voting precinct  
 11 of the voters, as required in this section, the election officials of the  
 12 absentee box shall preserve all the statements of voters and the voters'  
 13 identification documents and deliver them to the county clerk, who shall file  
 14 and keep them for the same length of time after the election as is required  
 15 for retention of other ballots, ~~and the.~~

16 (ii) The voter statements shall be made available  
 17 for public inspection during regular business hours; ~~.~~

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

21 ~~(G)(M)~~ When all of the inner envelopes containing the  
 22 ballots have been placed in the ballot box and the ballot stub ends have been  
 23 deposited in a separate box, the ballot box shall be shaken thoroughly to mix  
 24 the ballots; and

25 ~~(H)(N)~~ The ballot box shall be opened and the ballots  
 26 canvassed and counted.

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

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

31 (d) It is the intent of this section to permit the election officials  
 32 for absentee ballots to meet and process absentee ballots according to this  
 33 section ~~open the outer envelope and make a list in duplicate of the name and~~  
 34 ~~voting precinct of each voter casting an absentee ballot, to write on the~~  
 35 ~~stub end of the ballot taken from the outer envelope the number of the voter~~  
 36 ~~taken from the list of voters, and to deposit the inner envelope containing~~

1 ~~the ballot in the ballot box and to deposit the ballot stub ends in another~~  
2 ~~ballot box~~ prior to the closing of the polls on election day.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/ Judy, et al*

*APPROVED: 4/22/2003*