## 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 751 of the Regular Session**

1	State of Arkansas	As Engrossed: S3/2/05			
2	85th General Assembly	A Bill			
3 Regular Session, 2005			HOUSE BILL 177	70	
4					
5	By: Representatives Hardwick, D. Creekmore, Roebuck, Wood, Medley				
6	By: Senators J. Bookout, Wilkinson				
7					
8					
9	For An Act To Be Entitled				
10	AN ACT TO PROVIDE INSTANT RUNOFF VOTING FOR				
11	ACTIVE DUTY MILITARY PERSONNEL STATIONED				
12	OVERSEAS;	AND FOR OTHER PURPOSES.			
13					
14		Subtitle			
15	AN ACT	TO PROVIDE INSTANT RUNOFF VOTING	7		
16	FOR ACTIVE DUTY MILITARY PERSONNEL				
17	STATIONED OVERSEAS.				
18					
19					
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:				
21					
22	SECTION 1. Arkansas Code § 7-5-406, concerning absentee voting by				
23	members of the military and citizens residing outside the United States, is				
24	amended to add an additional subsection to read as follows:				
25	(c)(1) For the qu	alified electors in the categori	<u>es named in</u>		
26	subsection (a) of this s	ection who are active duty milit	ary personnel		
27	stationed overseas, the county board of election commissioners shall prepare				
28	a special absentee ballot for each preferential primary and general election				
29	to be sent to the voter in addition to the regular absentee ballot.				
30	(2)(A) The special absentee ballot shall contain a list of all				
31	offices being contested and the candidates qualifying for the election in				
32	each office.				
33	<u>(B) T</u>	he special absentee ballot shall	permit the elector		
34	to vote in the general p	rimary election or in a general	runoff election by		
35	indicating his or her or	der of preference for each candi	date for each office.	<u>.</u>	

As Engrossed: S3/2/05 HB1770

1	(C)(i) To indicate his or her order of preference for each		
2	candidate for each office, the voter shall put the number one (1) next to the		
3	name of the candidate who is the voter's first choice, the number two (2) for		
4	the voter's second choice, and so forth, so that, in consecutive numerical		
5	order, a number indicating the voter's preference is written by the voter		
6	next to the candidate's name on the ballot.		
7	(ii) However, the voter shall not be required to		
8	indicate his or her preference for more than one (1) candidate on the ballot		
9	if he or she chooses.		
10	(3) The special absentee ballot shall be marked as a "special		
11	runoff ballot".		
12	(4) Instructions shall be sent with the special absentee ballot		
13	to the qualified voter explaining the instant runoff voting process.		
14			
15	SECTION 2. Arkansas Code § 7-5-416, concerning counting of absentee		
16	ballots, is amended to add an additional subsection to read as follows:		
17	(f)(1) Absentee ballots marked as "special runoff ballots" received		
18	from a qualified voter who meets one of the categories in § 7-5-406(a) shall		
19	be opened for general primary elections and general runoff elections		
20	according to the procedures described in subsection (b) of this section.		
21	(2) However, in counting the special runoff ballot, one (1) of		
22	the election officials shall open the envelope containing the special runoff		
23	ballot and read the numbers indicated next to the names of the two (2)		
24	candidates in the general primary election or in the general runoff election.		
25	(3) The candidate with the highest ranking shall receive the		
26	<u>vote.</u>		
27	(4) A special runoff ballot received with the preferential		
28	primary absentee ballot shall be counted in the general primary election, and		
29	a special runoff ballot received with the general election absentee ballot		
30	shall be counted in the general runoff election.		
31	(5) The Secretary of State shall prepare instructions for		
32	opening, counting, and canvassing special runoff ballots and provide the		
33	instructions to each county board of election commissioners.		
34			
35	/s/ Hardwick		
36			

1 APPROVED: 3/09/2005