

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1842

"AN ACT CONCERNING THE CASTING OF BALLOTS AND ABSENTEE BALLOTS."

Amendment No. 1 to House Bill No. 1842.

Amend House Bill No. 1842 as originally introduced:

Page 1, delete line 32, and substitute the following:

“SECTION 3. Arkansas Code § 7-5-312(b), as amended by Act 67 of 2005, concerning the challenge of a”

AND

Page 2, delete line 1, and substitute the following:

“all persons voting a provisional ballot. The following”

AND

Page 5, delete lines 27 and 28 and substitute the following:

“do so only during the fifteen (15) days prior to a preferential or general election and seven (7) days prior to a general primary election.”

AND

Page 6, delete SECTION 6 in its entirety and substitute the following:

“SECTION 6. Arkansas Code § 7-5-416, as amended by Act 138 of 2005, is amended to read as follows:

7-5-416. Counting of absentee ballots.

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

(2) The county board shall give public notice of the time and location of the opening, processing, canvassing, and counting of absentee ballots as provided in § 7-5-202.

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

(4) The counting of absentee ballots shall be open to the public, and candidates and political parties may be present in person or by a representative designated in writing pursuant to § 7-5-312 during the



opening, processing, canvassing, and counting of the absentee ballots as provided in this subchapter.

(5) Absentee or early votes may be counted prior to the closing of the polls on election day.

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

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

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

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

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

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

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

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

(iii) If a first-time voter fails to provide the required identification with the ballot or at the time of mailing the voter registration application, then the absentee application, absentee ballot envelope, and voter's statement shall be placed in an envelope marked "provisional" and the ballot shall be considered a provisional ballot.

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

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

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

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

(J) If no challenge is made, the election official shall,

without opening the inner envelope containing the ballot, remove the inner envelope and place it in the ballot box without marking it in any way;

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

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

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

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

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

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

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

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

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

(e)(1) Absentee votes may be cast on paper ballots or ballot cards, or both methods may be used.

~~(1)~~(2) The ballots shall first be counted for write-in votes by the election officials. Then, the ballots may be either hand counted or automatically counted on an electronic system, whichever is more convenient.

~~(2)~~(3) Election officials may make a true copy of absentee paper ballots on ballot cards which, after being verified in the presence of witnesses, shall be counted in the same manner as other ballot cards."

AND

Page 9, delete lines 23 through 36 and substitute the following:

"SECTION 7. Arkansas Code § 7-5-417(b), as amended by Act 67 of 2005, concerning the preservation of absentee ballots, is amended to read as follows:

(b) If the statement is not in proper form, or if for any other legal reason the vote should not be counted, the ballot shall be preserved together with the ~~stub~~, statement, and envelope for the same period of time that the statements are preserved."

AND

Page 10, delete lines 1 and 2.

The Amendment was read _____

By: Representative Edwards

MBM/EMC - 02-27-2005 18:23

MBM215

Chief Clerk