

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Reps. Flanagin, Brown, Tullis and McGee**

A Bill

HOUSE BILL 1354

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §7-5-402, §7-5-403, §7-5-
9 405, §7-5-409 AND §7-5-411 CONCERNING ABSENTEE VOTING; AND
10 FOR OTHER PURPOSES.

11
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13
14 SECTION 1. Arkansas Code 7-5-402 is amended to read as follows:
15 "7-5-402. Voter qualifications.

16 Any person who possesses the qualifications of elector may cast an
17 absentee ballot in any election."

18
19 SECTION 2. Arkansas Code 7-5-403 (a) is amended to read as follows:

20 "(a) Applications for absentee ballots must be signed by the applicant
21 and may be made in one (1) of the following ways, and in no other manner:

22 (1) For applications submitted using the form prescribed in §
23 7-5-405:

24 (A) In person at the office of the county clerk of the
25 county of residence of the voter;

26 (B) Applications by mail or telefax must be received in the
27 office of the county clerk of the county of residence of the voter not later
28 than one (1) day before the election for which the application was made. No
29 more than five (5) ballots shall be delivered to any one (1) address,
30 including a post office box or a physical address which identifies the
31 recipient voter by military address, street address, room number, apartment
32 number, cottage number, etc. However, no ballot shall be mailed to any
33 applicant except in strict compliance with the provisions of Arkansas
34 Constitution, Amendment 51;

35 (C) By delivery of the application to the office of the

1 county clerk of the county of residence of the applicant not later than 4:30
2 p.m. on the day immediately preceding the day of the election. Delivery may
3 be made by the applicant or any person designated in writing by the applicant,
4 upon proper verification of the signature of the applicant by the county clerk
5 and validation of the identity of the bearer.

6 (D) By delivery of the application to the office of the
7 county clerk of the county of residence of the applicant not later than 1:30
8 p.m. on the day of the election. Delivery may be made by a person as the
9 authorized agent of the applicant who submits to the county clerk an affidavit
10 of the administrative head of a hospital or nursing home located in this state
11 that the applicant is a patient in the hospital or nursing home and is thereby
12 unable to vote on the election day at his or her regular voting place. A copy
13 of the affidavit shall be retained by the county clerk as an attachment to the
14 application for an absentee ballot.

15 (2) If the applicant does not use the form prescribed in §
16 7-5-405, he may make an application for an absentee ballot by letter or
17 postcard if received by the county clerk not later than seven (7) calendar
18 days prior to the date of the election if the letter or postcard contains
19 information sufficient to the county board of election commissioners and the
20 county clerk to accept the letter or postcard in lieu of the application
21 form."

22

23 SECTION 3. Arkansas Code 7-5-405 is amended to read as follows:

24 "7-5-405. Application form.

25 Applications for absentee ballots may be made on a form furnished by the
26 county clerk, and the county clerk shall supply the following form on request
27 beginning sixty (60) days before the election:

28 'County Clerk County
29 Arkansas

30 (1) I am requesting that you provide me with the appropriate absentee
31 ballot(s) in the election(s) to be held on,
32 19... .

33 (2) (Voter is to indicate (x) by one of the following methods for
34 delivery of this application)

35 A. I am personally delivering this application.

1 marks. *This envelope shall have a gummed flap;*

2 (3) A large envelope upon which shall be printed the address of
3 the county clerk and the words: 'ABSENTEE BALLOT,
4 ELECTION,, 19....' This large envelope shall have a
5 gummed flap;

6 (4) A blank statement in the following form: 'I,
7, do swear that I am a qualified, registered elector of the
8 (ward, precinct, or township) of,
9 Arkansas. I have enclosed my ballot, duly marked, in a small envelope which I
10 shall place with this statement and my ballot stub in a large envelope. I
11 will not vote again in this election. (Check one)
12 I am personally delivering my ballot
13 I am mailing this ballot to the county clerk
14 I am authorizing as my agent to deliver
15 this ballot to the county clerk.

16
17
18 Signature
19
20 Address'

21 (c) *A person who delivers applications to the office of county clerk*
22 *shall not receive materials for more than five (5) applicants."*

23
24 SECTION 5. Arkansas Code 7-5-411 is amended to read as follows:
25 "7-5-411. Methods of voting.

26 (a) Absentee voting may be accomplished in one (1) of the three (3)
27 following methods, and in no other manner:

28 (1) On ballots cast in the office of the county clerk in the
29 county of residence of the voter during regular business hours of any day not
30 earlier than the fifteenth day before election day and not later than on the
31 day before election day at the time the county clerk's office regularly
32 closes;

33 (2) By ballot cast by mail which must be received in the office
34 of the county clerk of the county of residence of the voter not later than
35 7:30 p.m. on election day. However, absentee ballots applied for not later

1 than thirty (30) days immediately preceding the election, by qualified
2 electors outside the United States on election day which are signed and dated
3 by the voters no later than the day of the election and received by the county
4 clerk no later than 5:00 p.m. ten (10) calendar days after the date of the
5 election;

6 (3) By delivery of the ballot to the office of the county clerk
7 of the county of residence of the voter not later than 7:30 p.m. on election
8 day by the authorized agent of the absentee voter upon proper validation of
9 the identity of the bearer. However, no person may deliver absentee ballots
10 to the clerk's office for more than *five (5)* persons. The voter may deliver
11 the ballot to the office of the county clerk of the county of his or her
12 residence not later than 5:30 p.m. on the day immediately preceding the date
13 of the election.

14 (b) Any person who knowingly makes a false statement on an affidavit
15 required by this section shall be guilty of a Class B misdemeanor."
16

17 SECTION 6. All provisions of this Act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.
20

21 SECTION 7. If any provision of this Act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the Act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 Act are declared to be severable.
26

27 SECTION 8. All laws and parts of laws in conflict with this Act are
28 hereby repealed.
29

30 /s/ Pat Flanagan et al