

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Scott**

A Bill

SENATE BILL

For An Act To Be Entitled

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

11

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

13

14 SECTION 1. Arkansas Code 7-5-403 (a) is amended to read as follows:

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

17 (1) For applications submitted using the form prescribed in §
18 7-5-405:

19 (A) In person at the office of the county clerk of the
20 county of residence of the voter;

21 (B) Applications by mail or telefax must be received in the
22 office of the county clerk of the county of residence of the voter not later
23 than one (1) day before the election for which the application was made. No
24 more than three (3) ballots shall be delivered to any one (1) address,
25 including a post office box or a physical address which identifies the
26 recipient voter by military address, street address, room number, apartment
27 number, cottage number, etc. However, no ballot shall be mailed to any
28 applicant except in strict compliance with the provisions of Arkansas
29 Constitution, Amendment 51;

30 (C) By delivery of the application to the office of the
31 county clerk of the county of residence of the applicant not later than 4:30
32 p.m. on the day immediately preceding the day of the election. Delivery may
33 be made by the applicant or any person designated in writing by the applicant,
34 upon proper verification of the signature of the applicant by the county clerk
35 and validation of the identity of the bearer.

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

10 (2) If the applicant does not use the form prescribed in §
11 7-5-405, he may make an application for an absentee ballot by letter or
12 postcard if received by the county clerk not later than seven (7) calendar
13 days prior to the date of the election if the letter or postcard contains
14 information sufficient to the county board of election commissioners and the
15 county clerk to accept the letter or postcard in lieu of the application
16 form."

17

18 SECTION 2. Arkansas Code 7-5-405 is amended to read as follows:

19 "7-5-405. Application form.

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

23 'County Clerk County
24 Arkansas

25 (1) I am requesting that you provide me with the appropriate absentee
26 ballot(s) in the election(s) to be held on,
27 19... .

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

30 A. I am personally delivering this application.

31 B. I am mailing this application.

32 C. I hereby authorize
33 as my agent to deliver this application.

34 (3) (Voter is to indicate (x) by one of the following methods for
35 receiving the ballot(s))

1 A. I will come to the office of the county clerk to receive my
2 ballot(s) by 5:00 p.m. on the day immediately preceding the day of the
3 election.

4 B. I authorize the mailing of my ballot(s) to the following
5 address:

6
7

8 C. I authorize the delivery of my ballot(s) to the following
9 person:

10

11 printed or typed name of voter signature of voter

12

13 residence address of voter per date of birth

14 registration card

15

16 county and precinct of voter'"

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18 SECTION 3. Arkansas Code 7-5-409 is amended to read as follows:

19 "7-5-409. Materials furnished to qualified voters.

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

24 (b) If the applicant is registered or is otherwise eligible to vote
25 absentee, the county clerk shall deliver or mail to the applicant or deliver
26 to the person who delivers the application to the office of the county clerk
27 pursuant to § 7-5-403 the following materials:

28 (1) An official ballot for each election named in the
29 application;

30 (2) A small envelope on which there shall be no identifying
31 marks. This envelope shall have a gummed flap;

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

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

11
12
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15

.....
Signature
.....
Address'

16 (c) A person who delivers applications to the office of county clerk
17 shall not receive materials for more than three (3) applicants."

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19 SECTION 4. Arkansas Code 7-5-411 is amended to read as follows:

20 "7-5-411. Methods of voting.

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

23 (1) On ballots cast in the office of the county clerk in the
24 county of residence of the voter during regular business hours of any day not
25 earlier than the fifteenth day before election day and not later than on the
26 day before election day at the time the county clerk's office regularly
27 closes;

28 (2) By ballot cast by mail which must be received in the office
29 of the county clerk of the county of residence of the voter not later than
30 7:30 p.m. on election day. However, absentee ballots applied for not later
31 than thirty (30) days immediately preceding the election, by qualified
32 electors outside the United States on election day which are signed and dated
33 by the voters no later than the day of the election and received by the county
34 clerk no later than 5:00 p.m. ten (10) calendar days after the date of the
35 election;

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

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

11

12 SECTION 5. All provisions of this Act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 6. If any provision of this Act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the Act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 Act are declared to be severable.

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22 SECTION 7. All laws and parts of laws in conflict with this Act are
23 hereby repealed.

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