

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**HOUSE BILL 1085**

4 *By: Representatives Flanagan, Mahony, Walker, Pryor, Argue, and Molinaro*

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §7-5-416 TO  
9 PROVIDE THAT *NO ELECTION RESULTS FOR ABSENTEE BALLOTS*  
10 *SHALL BE PRINTED OR RELEASED PRIOR TO THIRTY (30) MINUTES*  
11 *AFTER THE CLOSE OF THE POLLS; AND FOR OTHER PURPOSES."*

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## **Subtitle**

14 "TO PROVIDE THAT *NO ELECTION RESULTS FOR ABSENTEE BALLOTS*  
15 *SHALL BE PRINTED OR RELEASED PRIOR TO 30 MINUTES AFTER THE*  
16 *CLOSE OF THE POLLS."*

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

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20 SECTION 1. Subsection (a) of Arkansas Code Annotated §7-5-416 is hereby  
21 amended to read as follows:

22 "(a) The judges and clerks for absentee ballots shall meet in the  
23 office of the county clerk on election day *for the purpose of processing*  
24 *absentee ballots. No election results may be printed or released prior to*  
25 *thirty (30) minutes after the close of the polls. Candidates may be present*  
26 *in person at any election, and in general or special elections candidates and*  
27 *political parties may be present by representative, designated in writing,*  
28 *during the opening, canvassing, and counting of the absentee ballots as herein*  
29 *provided."*

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31 SECTION 2. Subsection (d) of Arkansas Code Annotated §7-5-416 is hereby  
32 amended to read as follows:

33 "(d) *It is the intent of this section to permit the judges and clerks*  
34 *for absentee ballots to meet and open the large envelope and make a list in*  
35 *duplicate of the name and voting precinct of each voter casting an absentee*

1 ballot, to write on the stub end of the ballot taken from the large envelope  
2 the number of the voter taken from the list of voters, and to deposit the  
3 small envelope containing the ballot in the ballot box and to deposit the one  
4 inch (1") ballot stub ends in another ballot box, prior to the closing of the  
5 polls on election day."

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7 SECTION 3. Subsection (b) of Arkansas Code Annotated §7-5-416 is hereby  
8 amended to read as follows:

9 "(b) The opening, counting, and canvassing shall be conducted as  
10 follows:

11 (1) One (1) of the judges shall open large envelopes one by one  
12 and as soon as he opens one, he shall read aloud from the statement in the  
13 larger envelope the name of the voter and the voting precinct in which he  
14 claims to be a legal voter;

15 (2) As each large envelope is opened and the name of the voter is  
16 read, the clerks for the absentee box shall list in duplicate the name and  
17 voting precinct of the voter and shall write on the stub end of the ballot  
18 taken from the large envelope, the number of the voter taken from this list of  
19 voters;

20 (3) If no challenge is made and the statement is in proper form,  
21 the judge shall, without opening the small envelope containing the ballot,  
22 remove the small envelope and place it in the ballot box without marking it in  
23 any way;

24 (4) The one inch (1") ballot stub ends shall be placed in a  
25 separate ballot box designated for them and retained as are other ballot stub  
26 ends;

27 (5) After all of the large envelopes have been opened and a list  
28 has been made in duplicate of the name and voting precinct of the voters, as  
29 required herein, the judges and clerks of the absentee box shall preserve all  
30 the statements of voters and deliver them to the county clerk who shall file  
31 and keep them for six (6) months after the election, and the statements shall  
32 be made available for public inspection during regular business hours;

33 (6) When all of the small envelopes containing the ballots have  
34 been placed in the ballot box and the one inch (1") stub ends have been  
35 deposited in a separate box, the ballot box shall be shaken thoroughly so as

1 to mix the ballots."

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3 SECTION 4. All provisions of this act of a general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 5. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 6. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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18 /s/Pat Flanagan, et al

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