

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative McJunkin**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 7-5-403 TO AUTHORIZE THE
9 COUNTY CLERK, WHERE AVAILABLE, TO SEND APPLICATIONS FOR
10 ABSENTEE BALLOTS AND TO ACCEPT APPLICATIONS FOR ABSENTEE
11 BALLOTS BY FAX MACHINES; TO AMEND ARKANSAS CODE § 7-5-405
12 TO ALLOW A FACSIMILE OF THE PRESCRIBED FORM TO BE USED FOR
13 ABSENTEE BALLOT APPLICATIONS; AND FOR OTHER PURPOSES."

Subtitle

16 "AN ACT TO AUTHORIZE THE COUNTY CLERK TO SEND APPLICATION
17 FORMS FOR ABSENTEE BALLOTS AND TO ACCEPT APPLICATIONS FOR
18 ABSENTEE BALLOTS BY FAX MACHINE."

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

22 SECTION 1. Arkansas Code § 7-5-403 is hereby amended to read as
23 follows:

24 "7-5-403. Applications for ballots.

25 (a) Applications for absentee ballots must be signed by the applicant
26 or, if sent by facsimile machine transmitted over telephone lines, must bear a
27 verifiable facsimile of the applicants_s signature and may be made in one (1)
28 of the following ways, and in no other manner:

29 (1) For applications submitted using the form prescribed in §
30 7-5-405:

31 (A) In person at the office of the county clerk of the
32 county of residence of the voter;

33 (B) Applications by mail must be received in the office of
34 the county clerk of the county of residence of the voter not later than one
35 (1) day before the election for which the application was made. However, no

1 ballot shall be mailed to any applicant except in strict compliance with the
2 provisions of Arkansas Constitution, Amendment 51;

3 (C) By delivery of the application to the office of the
4 county clerk of the county of residence of the applicant not later than 4:30
5 p.m. on the day immediately preceding the day of the election. Delivery may be
6 made only by a person related to the applicant up to the third degree of
7 consanguinity, the husband, wife, son, daughter, sister, brother, father,
8 mother, grandparent, grandchild, aunt, uncle, niece, nephew, great-
9 grandparent, or great-grandchild of the applicant, upon proper verification of
10 the signature of the applicant by the county clerk and validation of the
11 identity of the bearer. The elector may deliver the application to the office
12 of the county clerk of the county of his or her residence not later than 4:30
13 p.m. on the day immediately preceding the day of the election;

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

23 (2) If the applicant does not use the form prescribed in §
24 7-5-405, he may make an application for an absentee ballot by letter or
25 postcard if received by the county clerk not later than seven (7) calendar
26 days prior to the date of the election if the letter or postcard contains
27 information sufficient to the county board of election commissioners and the
28 county clerk to accept the letter or postcard in lieu of the application form.

29 (3) An application for absentee ballots may be requested by
30 facsimile machine transmission in the county clerks office and the clerk_s
31 office may transmit the applications for absentee ballots by facsimile machine
32 transmission over telephone lines to applicants in the county where the
33 clerk_s office is so equipped. The form prescribed in § 7-5-405 shall be the
34 form transmitted to a person making the request. Delivery of the application
35 to clerk_s office shall be by a method prescribed in subdivision (a) (1) or

1 (a) (2) of this section or by facsimile machine transmission over telephone
2 lines and must be received in the office of the county clerk of the county of
3 residence of the voter not later than seven (7) days before the election for
4 which the application was made. The application for absentee ballot by
5 facsimile transmission shall be accepted only upon verification of the
6 facsimile signature of the applicant by the county clerk. Once verified as a
7 reasonable likeness of the voter_s signature, the signature appearing on a
8 facsimile copy of an application shall be presumed to be authentic until
9 proven otherwise.

10 (b) Any person eligible to vote by absentee ballot may request the
11 county clerk to mail to an address within the continental United States an
12 application for an absentee ballot for each election thereafter. The request
13 shall remain in effect for one (1) year unless revoked by the voter, and the
14 county clerk shall thereafter automatically mail, no later than thirty (30)
15 days prior to each election, an application for an absentee ballot.

16 (c) Citizens of the United States temporarily residing outside the
17 territorial limits of the United States and the District of Columbia, and
18 their spouses and dependents when residing with or accompanying them, may
19 request the absentee ballot for any one (1) or more elections during any one
20 (1) calendar year by submitting only one (1) application during that calendar
21 year in the manner prescribed by subsection (a) of this section."
22

23 SECTION 2. Arkansas Code § 7-5-405 is hereby amended to read as
24 follows:

25 "7-5-405. Application form.

26 Applications for absentee ballots may be made on a form furnished by the
27 county clerk, and the county clerk shall supply the following form or a
28 electronic facsimile of this form via telephonic transmission on request
29 beginning sixty (60) days before the election:

30 _County ClerkCounty
31
32, Arkansas

33 (1) Because of, I will be absent from my voting precinct on
34 the date of the election(s) to be held on, 19 ...;
35 therefore I am requesting that you provide me with the appropriate absentee

1 ballot(s).

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

4

5 A. I am personally delivering this application.

6

7 B. I am mailing this application.

8

9 C. I hereby authorize my [husband, wife, son, daughter, sister,
10 brother, father, mother, sister-in-law, brother-in-law, father-in-law,
11 mother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew,
12 great-grandparent, or great-grandchild (circle one and insert their name)],
13, to deliver this application.

14

15 D. I hereby authorize as my agent to deliver this
16 application as I am medically unable to deliver it. An affidavit verifying my
17 medical status as unable to deliver the application or to vote on the day of
18 the election is attached.

19

20 E. I am transmitting a signed facsimile of this application by
21 facsimile machine transmission over telephone lines to the office of the
22 county clerk.

23 (3) (Voter is to indicate (x) one of the following methods for
24 receiving the ballot(s))

25

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

29

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

31

32

33

34

35

1 C. I authorize the delivery of my ballot(s) to the following
2 person:
3
4 printed or typed name of voter signature of voter
5
6
7
8 residence address of voter per date of birth
9 registration card
10
11
12 county of voter precinct of voter_."

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

18 SECTION 4. If any provisions of this act or the application thereof to
19 any person or circumstance is held invalid, the invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provisions or application, and to this end the provisions of this
22 act are declared to be severable.

24 SECTION 5. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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